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ABSTRACT

New York State's families, especially economically disadvantaged families, have a pressing need for available, accessible, affordable, quality child care. Recommendations to the New York State Legislature for providing such care are grouped according to the following principles: (1) all families should have access to child care services; (2) the state must set standards for child care programs, establish procedures to monitor and enforce those standards, and ensure the involvement of parents in their children's care; (3) the provision of high-quality child care requires special skills and training and a sound knowledge of child development; (4) neither government nor employers can meet the need for child care without cooperation; and (5) the provision of quality child care requires planning and coordination, adequate funding, effective funding methods, and reliable information. Statistical data are presented in four tables and one graph. A glossary and a 100-item bibliography are included. The following materials are appended: (1) a proposed bill before the New York State Legislature to create a child care resources and referral program; (2) a request for proposals for school-aged child care programs; (3) the Head Start immunization schedule; (4) an outline of health care considerations in child care; (5) the nomenclature developed by the National Association for the Education of Young Children; and (6) a chart illustrating New York State Department of Social Services child care programs. (FMW)

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Hard Questions/ Straight Answers: Child Care Policy for New York State

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Second Year Report of the New York State Commission on Child Care

October 1986

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HARD QUESTIONS/STRAIGHT ANSWERS: CHILD CARE POLICY FOR NEW YORK STATE

Second Year Report
of the
New York State Commission on Child Care

October 1986

Mario M. Cuomo
Governor

Matilda R. Cuomo
Judith I. Avner
Co-Chairpersons

Polly Spedding
Executive Director

Cover Design Courtesy of New York State Department of Health

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State of New York

Executive Chamber

No. 54

NEW YORK STATE COMMISSION ON CHILD CARE

WHEREAS, society's response to the needs of children and parents is a measure of its concern and compassion; and

WHEREAS, societal changes have dramatically increased the numbers of working parents and single heads of families with children in need of infant, preschool, and after school supervision; and

WHEREAS, quality and affordable child care is needed by parents of all income levels and serves to enhance the economic, social and psychological stability of the family;

NOW, THEREFORE, I, Mario M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and laws of the State of New York, do hereby establish the New York State Commission on Child Care.

I. Powers and Responsibilities

The Commission shall advise and assist the Governor in the development of policies and programs designed to provide quality, affordable and accessible child care. It shall explore child care alternatives and costs, and based on its analysis, develop a comprehensive plan for public and private financing, increased availability, improved quality and diversification of child care services to children and parents throughout the State. Specifically, the Commission shall:

1. conduct a State-wide assessment to identify the various populations in need of child care and the public and private services now available;

2. study the financial, developmental, work related and family benefits to be derived by parents, children and the community from the ready access to quality child care;

3. develop proposals for State guidelines, specific program initiatives and methods to combine the resources of government voluntary groups, non-profit organizations and the private sector in order to expand and improve child care facilities;

4. study current methods of payment and levels of funding and identify new ways of financing in order to make child care readily available and affordable in the State with particular emphasis on those developments that minimize the burden borne by the State's taxpayers;

5. estimate the jobs generated from the establishment of a variety of child care programs throughout the State;

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6. make recommendations to the Governor on State child care policy, the establishment of standards for care and their enforcement, the provision of technical assistance and the development of resource and referral programs;

7. advise the Governor concerning Federal policies and actions that may affect the State's child care programs.

II. Membership

The Commission shall consist of not less than 25 members, including representatives of local governments, private sector corporations, private foundations, child care providers, voluntary organizations, child care advocates, women's and parents' organizations, parents, unions, and public and private educational institutions. The members of the Commission shall be appointed by the Governor. Two of the members shall be appointed by the Governor upon the recommendation of the Speaker of the Assembly; two of the members shall be appointed by the Governor upon the recommendation of the Temporary President of the Senate; one of the members shall be appointed by the Governor upon the recommendation of the Minority Leader of the Assembly; and one of the members shall be appointed by the Governor upon the recommendation of the Minority Leader of the Senate. The Commission shall be co-chaired by the Director of the Women's Division and the Honorary Chair of the Council on Children and Families.

An Advisory Board to the Commission, comprised of the commissioners and directors of State agencies which are involved with the problem of child care as well as other appropriate public officials, shall also be established.

G I V E N under my hand and the Privy Seal of the State in the City of Albany this twelfth day of December in the year one thousand nine hundred eighty-four.

L/S

BY THE GOVERNOR

/s/ Mario M. Cuomo

Secretary to the Governor

/s/ Michael J. Del Giudice

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FOREWORD

The New York State Commission on Child Care was established by Governor Mario M. Cuomo in December 1984 to develop a comprehensive plan for child care services to children and parents throughout New York State.

Recognizing the dramatically increased numbers of working parents and single heads of families with children in need of infant, preschool, and after-school care, the Governor, in his Executive Order, charged the Commission to prepare recommendations to expand child care services in the State. In addition, the Executive Order acknowledges that quality and affordable child care is needed by parents of all income levels and serves to enhance the economic, social, and psychological stability of our communities.

To fulfill this broad gubernatorial mandate, over 50 citizens--all volunteers--from across New York State were asked to serve on the Commission. The full Commission and its 28 member Advisory Board met nine times during 1985 and 1986, working diligently to develop plans and analyze issues for the report to the Governor. To facilitate its work, the Commission organized its membership into six working committees, each charged to study and prepare recommendations in a key area of child care. These six committees met at least once a month. A Steering Committee was established to coordinate all the committee work. Georgia McMurray, Deputy General Director of the Community Service Society, chaired this committee.

To learn first hand the concerns of the public, the Commission held seven public hearings throughout the State in 1985 and 1986. From Plattsburgh to Long Island, from New York City to Binghamton, from the State Capitol in Albany to Syracuse and Buffalo, the Commission actively reached out to members of the community for their experiences, advice, and recommendations. The information gathered at these public hearings proved to be invaluable. Over 500 people attended the hearings. The Commission received nearly 400 statements, both written and oral. We listened to first hand accounts of vivid and moving experiences. We heard of the difficulties and the occasional successes that families encountered as they sought child care. We heard of the good fortune of some families in finding good child care, but more often we heard of the difficulties and obstacles that families face when they seek quality care for their children.

Through it all, we heard parents eloquently explain the importance of quality child care, and how it enhances and strengthens their family life and helps their children.

Our efforts were made significantly more effective by the assistance provided by the 28 members of the Commission's Advisory Board. The Advisory Board consists of Commissioners of State agencies and other public officials. These leaders and their staff gave generously and selflessly of their time and talent to the Commission. It is clear that the outcome of our efforts reflects their contribution and the fine working relationship between the private members of the Commission and the public officials on the Advisory Board. This working relationship has proven to be an outstanding and productive example of a public/private partnership.

We would like to express our appreciation to Governor Mario Cuomo and his staff, especially Ilene Margolin, for their foresight in establishing this Commission and their dedicated assistance throughout this effort. Special thanks are owed to Polly Spedding, Executive Director of the Commission, Sandra Lamm, Research Assistant, Stephen Menchini, Program Assistant, and Patricia Spillane, Administrative Assistant.

When the Governor established the Commission it was with the expectation of developing both immediate and long-term solutions to the provision of adequate, affordable, quality child care for the families of New York. Our efforts contained herein hopefully have established guidance for the future and provide practical and innovative solutions to benefit our children and our families.

This report is dedicated respectfully to all those who have helped us in this process, and particularly to the families and children of New York State.

Matilda R. Cuomo
Co-Chair

Judith I. Avner
Co-Chair

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I. OVERVIEW

This report represents the culmination of eighteen months of intensive investigation, deliberation, and debate by the New York State Commission on Child Care.

Throughout the process that has led to the preparation of this report, the Commission has based its work on a number of overriding principles, which have provided the framework for the development of the Commission's recommendations for the improvement of child care services and systems in New York State.

OVERRIDING PRINCIPLES

- Children are the foundation of the future; the wellbeing of children and their families is of paramount importance. An investment in quality child care is an investment in children and in the future.

- Government has the responsibility through public policy, administrative procedures and adequate funding to plan for and ensure the availability of accessible, affordable, high quality child care for families who need and want care for their children.

- Parents have primary responsibility for making arrangements for their children. It is essential that parents have knowledge about and access to a variety of program models that provide continuity for children and consistency in standards and regulations for quality care.

- There is a significant relationship between child care and economic development. For a healthy economy, the State must have a labor force that can take advantage of opportunities for work. Increasingly, workers and/or potential workers are the parents of children who need child care during the hours their parents are at work, seeking work, or pursuing educational/training opportunities in preparation for work.

- Child care programs must meet the developmental needs of children and be responsive to the needs of parents. Child care services should be economically and racially integrated, reflecting the diverse backgrounds and rich cultural and ethnic heritage of New York State's families.

- Government can play an important role in encouraging support for child care from business and labor, and in providing leadership in the expansion of family-oriented personnel policies.

Using the overriding principles as a foundation, the Commission on Child Care has developed this report. It is divided into six sections:

This brief overview is Section I.

Section II describes the need for available, accessible, affordable, quality child care in New York State. Several key ways to meet immediate needs are highlighted.

Section III presents the Commission's recommendations in their entirety, with additional discussion.

Section IV contains a brief concluding statement.

A glossary of terms used in the report and a bibliography of resources and selected references are Sections V and VI. An appendix of informational materials specific to several individual recommendations, and an index to the Commission's recommendations are also included.

II. THE NEED:

AVAILABLE, ACCESSIBLE, AFFORDABLE, QUALITY CHILD CARE

A. BACKGROUND

> "There is a crisis in child care in New York State. The supply of child care falls far short of meeting the demand and the gap is widening at an alarming pace. The cost of quality care is higher than many families can afford to pay, and financial assistance is not always available. There is a growing shortage of qualified care providers. Child care services across the State are fragmented, with a resulting lack of coordination and consistency. A comprehensive plan, as called for in the Executive Order by which Governor Cuomo established the Commission on Child Care, is critically needed."

These words, from the Preamble to the Commission on Child Care's First Year Report, bear repeating in this, the Commission's second year report. The crisis situation briefly described above continues to exist, affecting thousands of New York State families from all income levels, all walks of life, and all parts of the State. The State's economy is also affected, since a healthy economy depends on an ample supply of workers, many of whom require child care in order to work.

The Commission's conclusion that there is a crisis in child care was reached after careful consideration of evidence collected by the Commission in a variety of ways. Investigations conducted by Commission committees and staff with the assistance of Advisory Board agencies and others; reviews of the literature; reviews of programs and policies in other states; a survey of New York State employers; and consultation with experts in the field, many of whom are Commission members, produced considerable information.[1] Probably the most compelling documentation, however, was provided by the nearly 400 people who submitted testimony during the series of seven public hearings sponsored by the Commission across the State in 1985 and 1986. Parents, providers, advocates, and other interested persons testified--often poignantly, always with a sense of urgency--about the many problems and dysfunctions in child care services and systems across the State. At the core of virtually every piece of testimony were two basic themes: that child care is an essential support system for today's families,[2] and that the quality of care must be of paramount concern.

Throughout the Commission's investigations and deliberations, four words--availability, accessibility, affordability, and quality--were repeated time and time again.

AVAILABILITY

Supply and Demand

Although there are many reasons families enroll their children in child care programs--enrichment, socialization, early education, respite--the increasingly prevalent reason in today's society is that child care programs provide supplementary care for children while their parents are at work, seeking work, or pursuing education and/or training opportunities in preparation for work.

Across the State, between 830,000 and 1.2 million preschool and school-age children--24-34% of this age population--are in need of supplementary care during the hours their parents or other responsible household members are out of the home. Although these estimates vary because of differences in methodology and census years used for analysis, they graphically illustrate the need for child care across the State for families at all income levels (see Tables 1 and 2).

TABLE 1

CHILDREN POTENTIALLY IN NEED OF SUBSTITUTE CHILD CARE BY AGE (1980)

Age	New York State	New York City	Balance of State
0-5	364,000	133,000	231,000
6-13	466,000	149,000	317,000
	830,000	282,000	548,000

Source: 1980 Census data analyzed by the New York State Council on Children and Families (Trends, 1985), determined by assessing the availability of any persons in the household potentially available for child care.

TABLE 2

CHILDREN POTENTIALLY IN NEED OF SUBSTITUTE CHILD CARE BY FAMILY INCOME (1984)

Annual Family Income	Under 6 Years of Age	Ages 6-12	Totals Ages 0-12
below $10,000	46,966	74,349	121,315
$10,000-$15,000	60,705	78,368	139,073
$15,000-$20,000	58,609	77,291	135,900
$20,000-$30,000	154,685	189,434	344,119
over $30,000	177,805	268,271	466,076
	498,770	687,713	1,186,483

Source: October 1984 Census data (U.S. Census Bureau, Current Population Survey) analyzed by the New York State Department of Social Services; based on number of children in households where all adults are working or looking for work.

In sharp contrast to the number of children in need of care, there are fewer than 135,000 licensed day care spaces available statewide. Licensed day care centers--including both proprietary and not-for-profit centers, Head Start programs, and migrant child care centers--provide spaces for about 115,500 children. State licensed and county certified family day care homes provide spaces for slightly over 18,000 children (see Table 3, page 6).

TABLE 3

DISTRIBUTION OF LICENSED DAY CARE PROVIDERS BY TYPE, CHILD CAPACITY, AND LOCATION 1985-1986

TYPE OF PROVIDER	STATEWIDE		NEW YORK CITY		BALANCE OF STATE	
	Number of Providers	Child Capacity	Number of Providers	Child Capacity	Number of Providers	Child Capacity
Day Care Centers	1,989	115,526	979	69,799	1,010	45,727
Family Day Care Homes						
Certified by County	3,338	16,586	1,984	9,786	1,354	6,800
Licensed by State	287	1,432	0	0	287	1,432
Subtotal	3,625	18,018	1,984	9,786	1,641	8,232
TOTALS	5,614	133,544	2,963	79,585	2,651	53,959

Sources: NYS Department of Social Services Recap of Permits and Certificates, November, 1985; New York City Department of Health, Bureau of Day Care, March, 1986; U.S. Department of Health and Human Services, Administration for Children, Youth and Families, Head Start Fact Sheet for Fiscal 1985 .

Because of the huge disparity between the supply of regulated, licensed child care and the demand for care, it must be concluded that hundreds of thousands of New York State children are in unlicensed unregulated child care, or caring for themselves for a substantial portion of the day.

Unregulated Child Care

Two types of unlicensed, unregulated child care co-exist in New York State.

1) Certain child care programs are legally sanctioned in the State and are not subject to formal regulatory procedures. Such programs include family day care homes that care for fewer than three children and group programs that operate for three hours or less (such as most nursery schools and many school-age child care programs). Facilities operated by public school districts, day camps, and after-school religious education programs are also exempt from day care licensing regulations.

2) Other child care settings, however, that are subject to regulatory procedures by virtue of number of children served or length of program day are operating outside the law. Among these are unlicensed family day care homes caring for more than the legally specified number of children and unlicensed group programs operating in non-compliance to day care center licensing regulations.

In either case, the bulk of unregulated care appears to be in family day care, a popular form of care for many families. Only an estimated 10-30% of family day care homes are regulated. Many family day care providers are unaware that they are subject to regulation. Others, who may be aware of the law, have found that it is largely unenforced and, further, that there are few incentives to become licensed. Still others, attempting to comply with the law, are frustrated by administrative delays, obstacles presented by local applications of health, safety, and zoning ordinances and/or the State Uniform Fire and Building Codes, confusion about the dual system of county "certification"[3] and State "licensing," and other barriers detailed in several recent reports.

To add to the problem, State regulatory agencies are not sufficiently staffed to enforce existing regulations or respond to applicants seeking to comply. Says one report, "As of December, 1985 the New York State Department of Social Services had only seventeen employees assigned to licensing family day care homes for the entire State. These licensing specialists are also responsible for licensing and inspecting more than 900 day care centers."[4]

Unregulated care, even when legally sanctioned, is largely invisible. Parents cannot find it. Child care resource and referral agencies are reluctant to direct consumers to it. Employers hesitate to get involved. Efforts by helping agencies to provide training and technical assistance are often stymied. And reliable data on which to base responsible judgments are extremely difficult to obtain.

In addition, providers of unregulated care are denied access to many valuable services to which formally regulated programs are entitled. Insurance companies are increasingly reluctant to insure non-licensed child care. Non-licensed care providers cannot participate in the U.S.D.A. Child Care Food Program, which reimburses for the expense of nutritious meals, or receive public funds intended to subsidize care for children from low income families. In some cases, notably school-age programs that operate for fewer than three hours per day, no regulatory or credentialing system currently exists that would allow the programs to attain "licensed" status and gain access to these services.

The primary reason parents use unregulated care is the lack of licensed care. Government regulation of child care programs--be it licensing, certification, registration, or some other form of credentialing--does not guarantee quality per se. It can, however, provide a baseline of standards that protect children and afford a measure of peace of mind for parents and others who care about children. It can also provide a means of making programs visible to consumers, service agencies, and policymakers.

ACCESSIBILITY

Across the State, parents and service agencies alike report serious difficulties in finding and gaining access to child care services, even when they are available.[5]

Access to Information and Referral

Many parents, unable to find suitable care for their children, turn to others for help. But child care resource and referral (CCR&R) services--dedicated to providing such help--are available only in scattered locations across the State.[6] Currently, not-for-profit agencies are providing CCR&R services in only 18 counties and the City of New York, with wide variations in levels of funding they receive and services they are able to provide. Many of the CCR&R agencies in the State operate on a part-time volunteer basis, with little or no funding. Others, more fortunate, receive a mixture of public and private funds. CCR&R is an increasingly popular option for employers; about 40 employers currently purchase these services in various parts of the State.

Until recently, there have been no uniform State guidelines for CCR&R services. Legislation enacted in 1986 lays the foundation for a statewide network of CCR&R services, delineates the services which must be provided, and enables the use of federal funds, but contains no provision for funding or coordination at the State level.

Access to Subsidized Care

For many families, access to the child care program of their choice depends on whether they meet eligibility guidelines established by federal, State, or local agencies for specific programs and various categories of financial assistance.

Especially critical is the need for subsidized care for the children of low to moderate income parents who are striving to achieve self-sufficiency. According to one recent report, there are 666,000 single parent families in New York State; 90% of them are headed by women; 57% of the female-headed households are poor. For these families, access to subsidized care is essential, but statewide only one out of five children whose families earn less than $15,000 a year receives a child care subsidy.[7] In 1985, 23 counties provided no subsidies for day care other than those mandated by law.

The problem is compounded for adolescent parents--many of them single--because they are often ruled ineligible for child care subsidies that would enable them to return to school, enter training programs, or accept employment.[8] Students in institutions of higher education are also often ruled ineligible for subsidized care because their educational program does not meet approved definitions for "vocational" training.

Over one-third of the witnesses at the series of public hearings sponsored by the Commission on Child Care expressed their concerns about eligibility for subsidies and problems in the current eligibility structure. Inequities between counties, variations in eligibility guidelines for various categories, and complicated certification and verification procedures were repeatedly brought to the Commission's attention.[9]

Equal Access

The dual system of county certification and State licensing for family day care denies many families access to one or the other. A county certified family day care home is, as a general rule, limited to accepting only publicly subsidized children. A State licensed family day care home, on the other hand, is limited to accepting only children who are not eligible for subsidized care. Thus, neither one is open to any and all families who might want to use its services.

In a related situation, loss of eligibility for day care subsidy sometimes forces parents to withdraw their children from a day care program because they are no longer entitled to a publicly-subsidized space, even though the parents want to keep the children in the program and are willing to pay the cost.[10]

AFFORDABILITY

Quality child care costs money and there is considerable variation in costs, depending on type of care, location, and the age of the child. Annual costs of $3,500 to $10,000 per child are not uncommon.

The vast majority of parents pay for all or a substantial part of their child care expenses. In a typical year, 270,000 working parents in New York state claimed over $550 million in expenses allowable toward State and federal child care tax credits.[11] Since costs of over $2,400 for one child and $4,800 for two or more children cannot be claimed and many low income wage earners are unable to take advantage of the credits, actual child care costs to New York State parents may well far exceed the $550 million claimed.

While child care tax credits are the primary means by which middle and upper income families subsidize a portion of their child care costs, public funds through the social services system provide the primary means of subsidizing child care costs for families who are struggling to survive on low or moderate incomes. Enabling these families to seek and maintain self-sufficiency is a major goal.

Public Funding

Several funding streams provide funds for child care. The major streams include:

- Title IV-A day care for families receiving AFDC, and where parents are either working or preparing for work in approved educational programs;
- Social Service Block Grant (Title XX of the Social Security Act) child care subsidies for parents who are working and meet income guidelines determined by individual counties;
- Child Welfare Reform Act (CWRA) child care subsidies to families with children at risk of being placed in foster care, provided without regard to the family's income;
- State initiatives such as Day Care for the Working Poor and Transitional Day Care, both designed to provide financial assistance to low and moderate income families who do not have access to other financial assistance;
- Head Start programs, federally funded, and the New York State Experimental Pre-Kindergarten Program, funded through the State Education Department, which serve families with incomes at or near the poverty level [see Glossary of Terms, Section V].

Figures 1 and 2 illustrate these major funding streams, and the major sources of public child care funding in the State.

Figure 1: MAJOR PUBLIC PROGRAMS AND FUNDING STREAMS FOR CHILD CARE IN NEW YORK STATE (1985)

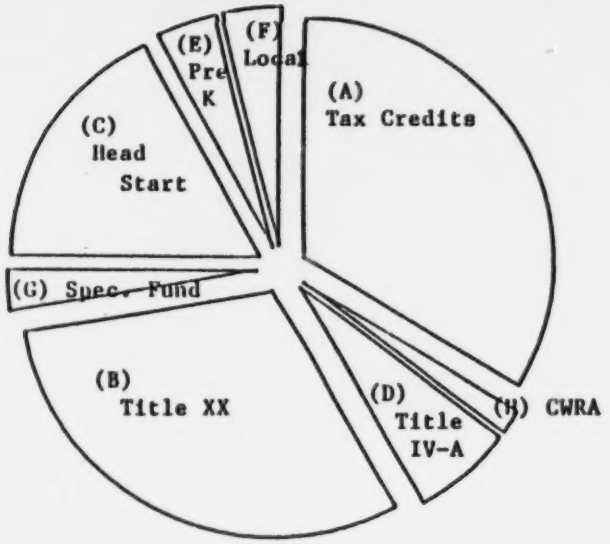
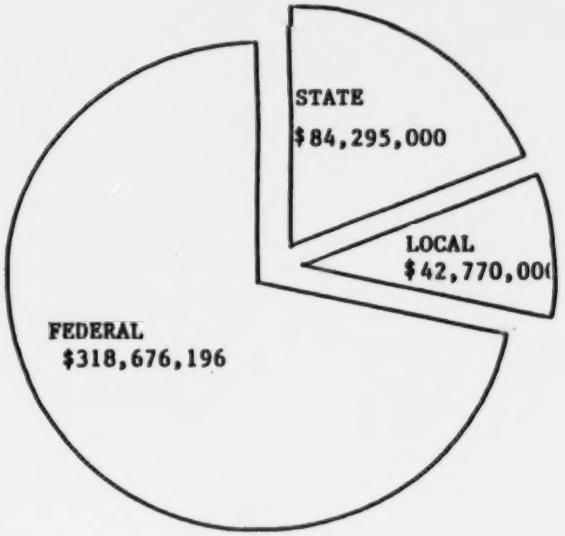


Figure 2: SOURCES OF PUBLIC SUPPORT FOR CHILD CARE IN NEW YORK STATE (1985)



Key to Figure 1:

Section:		
(A)	Federal and State child care tax credits	$150,290,000
(B)	Title XX (Social Services Block Grant)	136,000,000
(C)	Head Start Programs	77,126,196
(D)	Title IV-A Child Care Allowances and Disregards	29,100,000
(E)	Experimental Pre-Kindergarten	17,000,000
(F)	Local social service district expenditures in excess of State allocations	17,000,000
(G)	Special State funding/legislative initiatives	12,225,000
(H)	Child Welfare Reform Act	7,000,000
	TOTAL	$445,741,196

Graphs based on 1985 estimates from the following sources: Center for Public Advocacy Research, Inc.
NYS Department of Social Services
NYS Department of Taxation and Finance
NYS Education Department
U.S. Department of Health and Human Services, Administration for Children, Youth and Families

Most of the subsidized child care for low income working families in the State is funded through Title IV-A and the Social Services Block Grant (Title XX). Of the two, only Title IV-A is a mandated service in every county of the State. Title XX, on the other hand, is an optional service; local districts have the option of offering this "income eligible" child care in their counties. As noted previously, many counties do not provide this option. Many counties also have not taken advantage of the special State initiatives, which are also optional. Neither Head Start nor the Experimental Pre-Kindergarten Program is able to serve any sizable proportion of the eligible population. Head Start, for example, serves fewer than 15% of the children whose families are eligible.[12] Pre-K, while expanded slightly from previous levels, has not been able to meet the need.

Testimony received at Commission hearings from parents, child care providers, and human service agency representatives repeatedly underscored the importance of subsidized child care for low and moderate income families struggling to enter or stay in the workforce and avoid dependency on welfare; the devastating effect on families who lose their child care subsidies and have no alternatives; and the many inequities, variations, and administrative entanglements from county to county across the State.[13]

It is increasingly evident that public funds currently available for child care are not sufficient to address the short supply of quality care and provide essential supports to families in New York State.

Employer Support

The participation of New York State employers in child care services is, as in the rest of the nation, extremely limited. Primary areas of employer involvement appear to be in resource and referral (CCR&R) and financial assistance through dependent care plans within flexible benefits plans for employees. To date, employers sympathetic to child care seem more interested in helping their employees buy into existing services than in creating new ones.

The Commission's statewide survey of employers indicates that the major obstacles to employer support for child care are inadequate information about both the available options and the needs of employees, lack of confidence in the quality and regulation of the child care system as it currently exists in the State, and concerns about liabilities and "bottom line" costs.[14]

It should be noted that, as a major employer, the State itself has pioneered several family-oriented policies and programs for its employees, including flexible work schedules, part-time/shared jobs, voluntary furloughs, a "take the summer off" program, and the Empire State Day Care Services network of child care centers located at State worksites.[15]

QUALITY

Probably the word heard and used most often throughout the Commission's investigations and deliberations was the word quality. Defined by parents, providers, and others as denoting standards of excellence necessary for the optimal development of children, issues of quality in child care are deeply interwoven with issues of availability, accessibility, and affordability.

A considerable body of research has documented the importance of a child's early years and has demonstrated that high quality, developmentally appropriate early childhood programs can produce long term benefits, especially for less advantaged children. Longitudinal studies have shown that these children, when they had been enrolled in high quality preschool programs, performed better in school, were less apt to fail a grade or be placed in special education classes, and were more likely to graduate from high school than children from similar backgrounds who did not participate in preschool programs.[16] One group of researchers, converting these benefits into economic terms, found that $5,984 invested in two years of high quality preschool education brought later savings and benefits of $14,189--a 248% return on the original investment.[17]

The literature also stresses that child development must be viewed on a continuum, that children develop at varying rates, and that continuity and consistency are important to quality programming. Further, the literature suggests that no single program option or curriculum is "best" for all children.

Elements of quality programming have also been identified. Criteria developed by the National Association for the Education of Young Children (NAEYC)/National Academy of Early Childhood Programs for its national accreditation program identify these aspects of high quality programs for young children: interactions among staff and children; curriculum; staff and parent interactions; staff qualifications and development; administration; staffing patterns; physical environment; health and safety; nutrition and food service; and program evaluation.[18]

The NAEYC criteria and accreditation system were designed for center-based programs such as nursery school, preschools, day care centers, and school-age child care programs, but the same aspects of quality programming could be applied with little modification to home-based programs such as family day care and group family day care homes.

Although the benefits of quality programs have been well documented and the elements of quality programming identified, there are factors operating in New York State that have serious implications for the quality of care for our youngsters.

Child Care Workers

The key to quality child care lies with the adults who provide it, but there is a critical shortage of trained, qualified child care providers across the State. In 1985, New York City alone reported a 21% vacancy rate for group teachers in publicly funded day care centers and a 17% vacancy rate in Head Start teacher positions.[19] Turnover rate is also high throughout the State. A statewide study on child care worker compensation indicates a 40% turnover rate for head teachers, whether upstate or in New York City, and a turnover rate for teacher aides of 22% in New York City and 45% in the balance of the State.[20]

Much of the problem lies with the shockingly low wages paid in most child care programs. In New York State, exclusive of New York City, head teachers are paid an average of $5.33 per hour; aides earn $3.80. Wages were higher in New York City, with teachers receiving an average of $9.14 per hour and aides $5.85.[21]

Day care workers also receive few benefits. In New York State, exclusive of New York City, only 54% of programs provide individual health coverage, 26% provide family health coverage, and even fewer (19%) provide dental coverage. Less than half of the programs (41% in New York City and 43% in the balance of the State) provide yearly cost-of-living adjustments.[22]

For family day care providers, the situation is even more grim. Most, because they are self-employed, receive no benefits for health, dental, or retirement insurance. And unless they meet State licensing requirements, they cannot claim as a tax deduction many of the costs involved in providing child care.

Reimbursement Rates

Because child care is labor intensive, inadequate reimbursement rates paid for the care of children whose families are eligible for subsidized care exacerbate the problems for programs and providers attempting to provide quality care. For center-based programs, the State Department of Social Services allows a maximum reimbursement rate of $97.75 per week per child in New York City, but only $60 per week per child in the balance of the State. As of April, 1986, the Department of Social Services has regulatory provision for granting higher reimbursement to any local district able to demonstrate that actual costs are significantly higher than $60 per week per child. While a few counties do pay higher rates, others pay less than the allowable rate. Witnesses at public hearings sponsored by the Commission testified repeatedly that reimbursement rates are less than the actual cost of care and that quality was affected in two ways: the inability to pay wages attractive enough to recruit and retain qualified workers, and the gentrification of child care caused when programs stop serving subsidized children because they can no longer absorb the loss of income involved.[23] Thus, not only quality of care but the access of families to regulated care is affected.

Reimbursement rates reported at Commission hearings by certified family day care providers varied greatly from county to county, with an average of between $30 and $35 per week per child.[24] A provider caring for four children for a full year at $30 per week per child would earn $6,240-- which is less than the minimum wage and hardly an incentive to become licensed or to enroll subsidized children.

Increasing reimbursement rates to reflect actual costs, including better compensation for child care workers, would greatly enhance the quality of care. It will also require increased funding.

B. MEETING IMMEDIATE NEEDS

Clearly, issues involved in the availability, accessibility, affordability, and quality of child care in New York State are complex and interrelated. Immediate as well as long-range plans are sorely needed.

The Commission on Child Care has developed a comprehensive set of recommendations designed to provide straight answers to the hard questions inherent in resolving the crisis in child care. All of the recommendations are presented in the next section of this report; taken in their entirety, they present an action plan for the future. From the extensive list of recommendations--all of which are important--the Commission has selected eleven that it considers "key" to meeting immediate needs across the State.

Key Recommendations (abbreviated for discussion purposes):

- Increase State appropriations for subsidized child care by $50 million successively for each of the next five years...
- Establish broader eligibility guidelines for fully and partially subsidized child care...
- Establish a uniform funding stream for subsidized child care...
- Raise reimbursement rates to reflect actual costs of care...
- Enable the use of Urban Development Corporation (UDC) "Public Spaces Program" funds for constructing community centers which could provide services such as child care...
- In Economic Development Zone legislation, provide child care tax credits for businesses and employers; include the availability of subsidized child care as a prerequisite for designation as an Economic Development Zone...

- Modify the family day care regulatory system, with appropriate safeguards...

- Establish a comprehensive benefits package for child care providers...

- Adopt uniform professional nomenclature for child care positions; establish local pay parity; provide career ladders...

- Develop and implement a plan for a statewide, locally based Child Care Resource and Referral System...

- Designate or establish a State Office of Child Care Services, advised by a permanent commission on child care and assisted by a community-based statewide network of local coordinating bodies...

Discussion

Increased State appropriations, broader income eligibility guidelines, and a uniform funding stream would greatly improve both the affordability and accessibility of less advantaged families to quality child care programs and lessen the impact of precipitous losses of eligibility that occur under the current system. Raising reimbursement rates to reflect actual costs of care would also affect affordability and could be a major factor in eliminating gentrification in child care programs. If higher reimbursement rates were to include improved compensation for child care workers, qualified workers would be more likely to enter and remain in the child care field and the quality of care would be enhanced.

Enabling the use of UDC Public Spaces Program funds for constructing centers, along with providing child care tax credits for employers in areas designated as Economic Development Zones could greatly increase the availability and accessibility of child care in many areas of the State. Including the availability of subsidized child care as a prerequisite for designation as an Economic Development Zone would make child care more affordable for low income working parents.

The availability and quality of child care would also be enhanced if the current family day care regulatory system were modified. Modifying the family day care regulatory system while retaining appropriate safeguards could greatly expand the number of regulated family day care homes in which the quality of care could more easily be assessed.

Through the establishment of comprehensive benefits packages, professional nomenclature, local pay parity, and career ladders for child care workers, programs would be able to recruit and retain the high-caliber workers that are essential to the provision of quality care for young children. These recommendations are also closely related to the affordability of child care and would require increased funding through parent fees and/or public funds.

Two additional recommendations cut across all four of the issues. The establishment of a statewide, locally based system of child care resource and referral services would assist parents in their search for accessible, affordable quality care; plan for and assist with expansion of services based on assessment of local needs; offer support services such as training for child care programs and providers; and coordinate all child care services within the community. At the same time, a State Office for Child Care Services would link with local coordinating bodies--such as CCR&R's--to provide service planning, oversight, and coordination at the State level, thus ensuring that accessible, affordable, quality child care would be available to New York State families for all the years to come.

The schematic diagram on the following page presents a visual representation of the relationships and interrelationships of the eleven recommendations highlighted here, and references their placement in the next section of this report. It is possible that all of the recommendations presented in the next section could be diagrammed in this way, since they are all related and interrelated to improvements in the availability, accessibility, affordability, and quality of child care services and systems across the State.

KEY RECOMMENDATIONS DESIGNED TO IMMEDIATELY ADDRESS ISSUES OF AFFORDABLE, ACCESSIBLE, AVAILABLE, QUALITY CHILD CARE IN NEW YORK STATE

AFFORDABILITY

- Increase State appropriations for subsidized child care by $50 million successively for each of the next five years...
  (Recommendation #E-1, page 65)
- Establish broader income eligibilities for fully and partially subsidized child care...
  (Recommendation #A-4, page 26)
- Establish a uniform funding stream for subsidized child care...
  (Recommendation #E-2, page 67)
- Raise reimbursement rates to reflect actual costs...
  (Recommendation #E-3, page 69)

ACCESSIBILITY

- Enable the use of Urban Development Corporation (UDC) Public Spaces Program funds for constructing community centers which could provide services such as child care...
  (Recommendation #A-2, page 24)
- In Economic Development Zone legislation, provide child care tax credits for businesses and employers; include the availability of subsidized child care as a prerequisite for designation as an Economic Development Zone...
  (Recommendation #A-3, page 25)

AVAILABILITY

- Establish a comprehensive benefits package for child care providers...
  (Recommendation #C-1, page 49)
- Adopt uniform professional nomenclature for child care positions; establish local pay parity; provide career ladders...
  (Recommendation #C-2, page 51)

QUALITY

- Modify the family day care regulatory system with appropriate safeguards...
  (Recommendation #B-1, page 32)

- Develop and implement a plan for a statewide, locally based child care resource and referral (CCR&R) system...
  (Recommendation #A-1, page 22)
- Designate or establish a State Office of Child Care Services, advised by a permanent child care commission and assisted by a community-based statewide network of local coordinating bodies...
  (Recommendation #E-4, page 70)

Section II Notes

1. See "Resources and Selected References," Section VI.

2. A comprehensive summary of the issues and problems discussed by witnesses at the hearings is contained in the report by Sandra Lamm, Speaking Out About Child Care: A Report of Public Hearings Sponsored by the New York State Commission on Child Care, 1986.

3. In particular, see Norlander, Karen, Casting a Blind Eye: Regulation of Family Day Care in New York State, 1986, and The New York State Task Force on Women's Issues and the New York State Assembly Committee on Children and Families, Family Day Care: An Issue of Critical Importance, 1986. Many witnesses at public hearings sponsored by the Commission on Child Care also spoke to these issues, as reported in Lamm, Sandra, Speaking Out About Child Care, 1986.

4. Norlander, Karen, Ibid.

5. Lamm, Sandra, Op. Cit.

6. A CCR&R service, often operated by a child care council, also performs other important functions. See "Glossary of Terms," Section V.

7. Statewide Youth Advocacy, Shattered Lives: A Portrait of New York's Children, 1986.

8. New York State Council on Children and Families, Moving Forward: Next Steps, 1986.

9. Lamm, Sandra, Op. Cit.

10. Ibid.

11. New York State Department of Social Services, Overview of the New York State Department of Social Services Role in Day Care, 1985. Figures quoted are based on tax returns for calendar year 1982.

12. Statewide Youth Advocacy, Op. Cit.

13. Lamm, Sandra, Op. Cit.

14. NYS Commission on Child Care, Employers and Child Care in New York State: A Survey Prepared for the New York State Commission on Child Care., in press, 1986.

15. U.S. Bureau of National Affairs, "Flextime, Furloughs, Day Care Mark N. Y. Resource Management," 1985.

16. In particular, see Berrueta-Clement, John R. et al, Changed Lives: The Effects of the Perry Preschool Program on Youths Through Age 19, 1984; Consortium for Longitudinal Studies, As the Twig is Bent...Lasting Effects of Preschool Programs,1983; Deutsch, Martin et al, Long Term Effects of Early Intervention: Summary of Selected Findings, 1985; Lazar, Irving and Darlington, Richard, Monographs of the Society for Research in Child Development, 1979; and the NYS Education Department, Prekindergarten Improves Pupil's Performance Throughout the Elementary Grades, 1986.

17. Berrueta-Clement et al, Ibid.

18. National Association for the Education of Young Children, Accreditation Criteria and Procedures of the National Academy of Early Childhood Programs, 1984.

19. City of New York Early Childhood Education Commission, Take A Giant Step: An Equal Start in Education for All New York City Four-Year-Olds, 1986.

20. Zinsser, Caroline, A Study of New York Day Care Worker Salaries and Benefits, 1986.

21. Ibid.

22. Ibid.

23. Lamm, Sandra, Op. Cit.

24. Ibid.

III. RECOMMENDATIONS

The recommendations that follow, when viewed in their entirety, describe steps the Commission on Child Care believes must be taken to address both immediate and long range concerns about the availability, accessibility, affordability, and quality of child care in New York State.

The recommendations were formulated after the completion of the series of activities described elsewhere in this report. The recommendations, which were initially drafted by individual Commission committees, were subsequently adopted after a meticulous process of review, deliberation, and debate.

The recommendations, some of which were highlighted in Section II, are presented here in their entirety. Five principles, closely related to the overriding principles which have guided the Commission's work, have been used to group recommendations that are related either because of their intent or because similar actions are needed for their implementation.

It is the intention of the Commission that the entire set of recommendations be seen as an action plan for the improvement of child care services and systems in New York State. The numerical order assigned to the recommendations is intended to provide convenient reference points, but does not necessarily signify priority ranking. The recommendations highlighted in Section II, however, appear at the beginning of each of the groupings in which they are placed and are designated with a (?)symbol.

A.

PRINCIPLE

Access to a variety of child care services should be available to all families who need and want care for their children. Special attention may be required for less advantaged families and those families whose children have special needs.

Family patterns in New York State and the nation have changed in recent years. There are more single working parents as well as more two-paycheck families. Women--especially those with very young children--have entered the workforce in record numbers and the trend is expected to continue. There has been a dramatic increase in the number of adolescent parents. All of these families require child care during the hours they cannot be at home. Some, especially those struggling to achieve economic self-sufficiency, need special assistance along the way.

This group of recommendations is designed to enhance the access of New York State families to quality child care programs that best meet their needs and the needs of their children. The Commission suggests that this be achieved through improved availability of child care resource and referral services, innovative economic development initiatives, and broader, more humane guidelines for subsidized child care for less advantaged families.

RECOMMENDATIONS

A-1 RECOMMENDATION

The State should develop and implement a plan for a statewide, locally based child care resource and referral system, which would ensure universal access by 1990 to resource and referral services for all parents in need of child care for their preschool or school-age children.

The system should foster public/private partnerships and utilize existing child care resource and referral programs as much as possible. Specific emphasis should be given to enhancing community-based efforts in order to ensure that the diverse cultural, ethnic, and geographic needs of the State and its citizens are served. A mixture of funding sources, including State dollars, should be utilized. The system should be designed to make maximum use of sophisticated telecommunications technology to maintain up-to-date information on available services.

The plan should ensure the active participation of the Department of Agriculture and Markets, the Council on Children and Families, the State

Education Department, the Department of Social Services, the Division for Youth, the Department of Health, the Department of Labor, the Division for Women, and other agencies as may be appropriate. The plan should specify anticipated costs to 1990, locations of child care resource and referral services to be established or expanded each year, and proposed legislation as required to implement the program.

The plan should also include funds to develop a public awareness campaign about the resource and referral services available to parents to assist them in accessing a range of child care programs. This effort should include widespread dissemination of information about child care options, standards for quality, and complaint procedures. A toll-free telephone number should be planned that would provide the name and telephone number of local child care resource and referral services and receive complaints, referring complaints to the appropriate Department of Social Services (State or local).

Discussion

Child care resource and referral (CCR&R) legislation passed the legislature and was signed into law by Governor Cuomo this year (Chapter 888 of 1986). The bill specifies standards, services, and procedures for establishing CCR&R programs throughout the State, contingent upon federal funding. The full text of this legislation is included in Appendix A.

Among the services to be provided by CCR&R's as specified in the bill are:

- identification of the full range of child care services in a given geographic area;
- developing and maintaining a resource file of information about existing services, and a referral process for parents needing this information;
- maintaining documentation of requests for service;
- providing technical assistance to existing and potential child care providers; and
- responding to the diverse cultural, linguistic, and economic needs of a defined area of service, and providing services to all parents and providers without regard to any eligibility criteria.

Governor Cuomo's Approval Message on the bill identified several administrative shortcomings in the legislation, and directed "the Council on Children and Families, in consultation with my Commission on Child Care, to propose amendments to the bill that will address these shortcomings." The message also said that "if these amendments are enacted prior to the bill's April 1, 1987 effective date, these programs may warrant additional State assistance that will permit expanded and

strengthened referral and resource services to meet the child care needs of New Yorkers."

A-2 RECOMMENDATION

The guidelines of the Urban Development Corporation of New York State (UDC) should be changed to enable the UDC to utilize funds generated by the Public Spaces Program to construct community centers on-site, or near, development projects. Such centers could provide child care services, educational training programs and other social services. Such a change would add a new dimension to the menu of uses for the Public Spaces Program funds and would strengthen economic development efforts by providing child care to employees in the development area as well as in the surrounding community.

Discussion

The efforts of the UDC to increase economic and employment opportunities in New York State create new social and educational needs, including job training and child care, especially in low-income communities.

A unique feature of UDC financing of large-scale economic development projects is the Public Spaces Program which channels Sales Tax Equivalency Payments to "public space improvements, generally in the vicinity of the UDC development" (UDC Guidelines). This program currently funds public open spaces or facilities, such as parks, subway stations, playgrounds, etc., and cannot now be used for social service facilities.

The ability to use these funds to create centers providing social services to the community seems compatible with the intent of the Public Spaces Program. Moreover, such vital community services as child care and job training programs would not only benefit the community as a whole, but would also enable the community to participate in the UDC's development projects by improving the skills and productivity of the local work force.

Far too many women are today denied access to and full participation in economic development projects due to the lack of child care services. The absence of training programs may effectively exclude many local residents who lack the required education and experience from economic development opportunities and may deny employees of economic development projects the opportunity to acquire new skills and to advance on the job.

Such facilities must be community-oriented and must be available to all members of the community in which the project is being developed.

A-3 RECOMMENDATION

New York State Economic Development Zone legislation, intended to provide economic renewal for selected sites throughout the State, should provide tax credits for zone employers and businesses who build or allocate space for day care services and who subsidize employees' child care expenses.

New York State Economic Development Zone legislation should include the availability of subsidized child care slots for the children of employees eligible for such services as a prerequisite for designation as an Economic Development Zone.

Discussion

Legislation was signed into law in August, 1986, allowing the creation of 40 Economic Development Zones throughout the State over a three-year period. While this legislation does not include a child care tax credit among the incentives for new and expanding businesses within the zones, an emphasis on child care may be possible in future revisions of the eligibility criteria and application review process.

The legislation is intended to facilitate and support economic development in designated areas of the State. Many parents, especially female single heads of households, find it impossible to locate suitable child care and thus would be unable to take advantage of any employment opportunities created in the Economic Development Zones. Many communities cannot meet the needs of current residents and attract new residents due to the severe shortage of child care facilities and services. Therefore, selected zones should include support for expansion and subsidy of child care services. Child care is the single most important prerequisite for many parents to participate in the work force. To fail to include child care in Economic Development Zone initiatives would extend the hopeless cycle of poverty that parents and communities currently face, and would interfere with the success of this economic development strategy.

Providing tax credits to Economic Development Zone employers addresses the problem of child care supply by encouraging space allocation and construction and affordability to an extent by encouraging employer subsidy. However, the affordability problem in low income communities is so acute that the ability of employers to make care affordable for low income employees is extremely limited. Subsidized child care must be available to these low income parents, and is already available to some families in 34 of the 57 counties, and in New York City. Those counties that do not provide child care subsidy should be required to do so in order for Economic Development Zones to be designated in those counties, because economic development success depends in part on child care and because communities that receive State support for their revitalization should demonstrate their community responsibility in this important way.

A-4 RECOMMENDATION

At minimum, income eligibility for full subsidy for child care for working parents should be set at 125% of the federal poverty level; partial subsidies should be available on a sliding fee scale basis for parents whose incomes are between 125% and 270% of the federal poverty level.

This expanded child care subsidy program should be implemented in five yearly steps with priority in allocations in the first and second years to establishing equity across counties in eligibility standards.

Discussion

The existing system of child care subsidies is plagued by notches and inequities.[1] The notches are created when a modest increase in income causes a precipitous fall in local funding support to low and moderate income families. Over a third of the witnesses presenting testimony at hearings conducted by the Commission in 1985 and 1986 addressed concerns about parent eligibility for subsidy and the problems in the current eligibility structure. According to estimates prepared by the Department of Social Services, approximately 46,966 children from birth through age five, and 74,349 children ages six to twelve live in New York State households where all adults are working or looking for work, and the annual family income is less than $10,000[2]. Less than half of these "most needy" children have access to publicly subsidized child care.

The notches created by the existing system of child care subsidies penalize and thus act as disincentives to aid-recipients' taking personal initiatives that would raise their incomes, and sometimes have the perverse effect of encouraging aid-recipients to stay unemployed or in dead-end jobs at low income levels. Because income-eligible child care is not a mandated service and existing allocations to counties are uneven, in 1985, 23 counties offered no subsidies to income eligible families and an additional 11 had set the cut-off for eligibility at $14,000 or less for a family of four. The development of new State funding streams for low income working parents have been too restrictive to produce the expected expansion of subsidized care in some of these counties. Smoothing the notches and establishing parity in eligibility throughout the State will allow low and modest income families to be increasingly productive participants in the State's economy, regardless of their county of residence. [See also Recommendation E-2 on page 67.]

It is recommended that the expansion of the child care subsidy program be implemented in five yearly steps. Initial emphasis should be on ensuring that families meeting the 125% of poverty level standard have access to a full child care subsidy in all counties of the State. Priority in allocations in the first year should therefore be on establishing equity across counties in eligibility standards. Subsequent yearly increases would improve services in all counties, allowing more

eligible families to be served. Even counties with the highest current eligibility levels estimate that as few as 50% of the eligible families have access to a child care space.

Developing an expanded subsidy program over five years will allow gradual budget increases, yearly program evaluation, and planning for the most effective use of each yearly increment. Given available data, it is impossible to predict accurately what usage and spending patterns will develop with an expanded program. The Center for Public Advocacy Research has estimated that a fully monetized subsidy program for all eligible families could result in a cost of $2 billion per year.[3] However, estimates reported by the High/Scope Educational Research Foundation indicate that roughly 50% of children of working mothers nationally are in informal arrangements with relatives, including fathers; the study does not report, however, how much of this care is monetized.[4] Careful study will be needed to determine what usage and spending patterns would emerge, given increased access to child care subsidy and increased parental choice among child care options. [See Recommendation E-1, page 65, for recommended yearly State appropriations.]

With current spending patterns and reimbursement rates to providers, it is estimated that an additional 12,000-14,000 children could be served each year. However, the Commission also endorses efforts to increase reimbursement rates to providers to cover the actual cost of care, and to increase salaries of child care workers. [See Recommendation E-3, page 69.] Such increases would also affect estimates of the cost of potential program expansion.

In addition, we would encourage further investigation into the feasibility of increasing available revenues for child care through instituting sliding fee scales that exceed the actual cost of care for higher income families. In not-for-profit centers currently using such fee scales, experience has shown that some families are willing to pay over the cost of care for quality care, and that the amount they pay over actual cost can be considered a charitable contribution to the program for the family's income tax purposes. The Commission has been unable to estimate the actual potential for revenue generation through greater implementation of this practice. The State might investigate the feasibility of developing model fee scales that programs could institute.

A-5 RECOMMENDATION

Initial certification and subsequent yearly recertification of eligibility for child care subsidy should be a face-to-face interview either with the local district Department of Social Services staff or an authorized agent, such as a child care resource and referral agency or a contracted child care provider, with recertification at the intervening six-month intervals by mail for working parents or those in educational programs. Recertification for those parents whose eligibility lapses

every six months, including parents seeking employment or eligible for subsidy for reasons of illness, incapacity, or necessary absence from the home should be face-to-face, except where incapacity prevents face-to-face recertification. Continuation of child care for children in protective or preventive cases should continue to be determined by the case manager of the protective or preventive case. Parents would continue to be responsible for reporting any changes in income or employment status at any time while receiving child care subsidy.

Discussion

The process of certifying or recertifying eligibility for child care subsidy is complex, time-consuming, and can be costly for parents employed at hourly wages or with limited personal leave time. Testimony at public hearings indicated a number of problems. In some cases, parents reported having been fired for taking excessive time from work to recertify. One parent was terminated before starting a new job because certifying her day care eligibility interfered with reporting to work. The process of certification or recertification was described by witnesses as "demeaning," "degrading," "frustrating," and a "bureaucratic nightmare."[5] In urban areas, mass transit travel to the eligibility office can take upwards of 90 minutes one way. Streamlining, simplifying, and delegating authority for certification and recertification will reduce time and financial costs to families while maintaining accountability and oversight within the Social Services office. Social Services staff time saved can be used more effectively in training and monitoring the delegate (contracting) agencies as well as in performing outreach or educational efforts with parents.

A-6 RECOMMENDATION

Families receiving publicly subsidized child care should be allowed to continue using the same child care program when their eligibility for subsidy ceases, if the parents are willing and able to meet the program's cost.

Discussion

Continuity of care is important to the development of young children. Families should have the option of continuing with familiar program and care providers rather than facing the disruption and sometimes overwhelming stress of trying to locate a new, affordable, accessible quality program. Parents reported at Commission hearings that these stresses on themselves and their children sometimes caused them to quit their jobs, or turn down raises or promotions in order to keep their current child care arrangements.

A-7 RECOMMENDATION

For purposes of eligibility for child care subsidies, the definition of approved vocational training should be expanded to include students pursuing their first two-year or four-year college degree.

Discussion

State policy toward higher education must be consistent and uniform. The State University, City University, and community college systems, together with State and Federal direct financial aid constitute a massive source of educational subsidies, all built on the commitment to access to higher education even when the financial resources of the individual are limited. However, the existing structure of child care eligibility denies access to those subsidies for potential students solely on the basis of their being parents of young children, if they are not enrolled in "approved vocational training" programs. The current restrictive definition applied to "approved vocational training" limits access to a wider range of educational options and subsequent employment opportunities. Some of the State's best and brightest young adults are thus excluded from opportunities to achieve their potential contribution to the economy of New York. New York is lagging behind Wisconsin, New Jersey and four other states who provide subsidized child care to students pursuing their first two-year or four-year college degrees.

A-8 RECOMMENDATION

Parents who are under 21, completing requirements for a high school diploma or a high school equivalency degree, and whose family income is less than 270% of the poverty level should be eligible for full child care subsidy. Eligibility should be based solely on the financial resources of the adolescent parent(s).

Discussion

Teen parents and their children are especially vulnerable to entrapment in a life of poverty and dependency. Over half of all families receiving AFDC are headed by women who are or were teen mothers, according to the Governor's Task Force on Adolescent Pregnancy.[6]

The 1986-87 New York State Aid to Localities budget as signed into law allocated $2 million for the day care expenses of parents under 21 who are completing requirements for a high school diploma or equivalency degree, and whose family income is less than 115% of the state median income.* While this allocation will begin to address the child care

*115% of the State median income is defined as equivalent to 273% of the poverty level for determining eligibility for these funds. The Commission prefers the use of the poverty level standard in the interest of consistency and uniformity across child care subsidy programs.

needs of teen parents completing high school, it is important that family income be defined in regulation as the financial resources of the adolescent parent, and not the income of his or her parents. Also, increased allocations will probably be necessary.

In addition, the Commission endorses recommendations from the Task Force on Adolescent Pregnancy as presented in its January 1986 report to the Governor, including expansion of the STEP program, improving transitional supports for individuals leaving public assistance to accept employment, increasing the availability of school-based child care services, increasing needs-based payments through the Job Training Partnership Act, and improving transportation to child care for infants as well as older children of adolescent parents.[7]

A-9 RECOMMENDATION

In light of the special health risks to children and stresses on parents in cases where the parents are under 21 years old, in preventive and protective situations, or where the family has other special needs, the Department of Social Services should study and revise regulations regarding "excessive absences" from child care when recertifying the family's eligibility for subsidy and reimbursements to providers.

Discussion

Adolescent parents are high risk candidates for delivery of premature and low birth weight babies, which can result in a multitude of health problems.[8] Hence, absences from child care are likely to be more frequent and adolescent parents are more likely to miss hours or days of work or school to seek medical attention and provide care to their ill children. Similarly, stresses of daily living may cause more frequent absences for adolescent parents, families with special needs, and those in protective and preventive cases. Regulations regarding the number of allowable absences before eligibility is terminated or reimbursement to providers is reduced should therefore be re-evaluated with the goal of allowing these families to continue receiving the much-needed child care services.

A-10 RECOMMENDATION

Legislation should be enacted that will enable all family day care providers to care for any child, regardless of the source of payment--private-pay or publicly subsidized. The current system, which restricts county certified family day care providers to caring for only publicly subsidized families and restricts State licensed family day care providers to caring for only private-pay families, has created two economically segregated systems that should be merged into one system that serves all those who prefer family day care as a child care option. Counties shall, however, give priority to publicly subsidized children.

Discussion

Current law restricts spaces in county certified family day care homes to children subsidized by DSS through Title XX or Day Care for the Working Poor, and spaces in State licensed family day care homes to children whose parents are ineligible for subsidized care. This policy has the dual effect of creating a "gentrified" and segregated system of child care, with one set of programs for low income subsidized children and another for un-subsidized children, and of denying continuity of care to children whose parents' eligibility for subsidy changes. In addition, the policy acts as a disincentive to licensing for providers by limiting the populations that can be served, and thereby denying many families access to regulated care.

A 1985 regulatory change allowed children to be served in county certified homes whether or not they were subsidized by Department of Social Services in demonstration districts for day care development. This change which created Section 390A of the Social Service Law, should be broadened to apply to all county certified homes in the State. A similar statute should be enacted to open State licensed homes to subsidized children.

SPECIAL NOTE: In its original recommendations concerning access to child care programs, the Commission also recommended that legislation be enacted that would allow the use of school buses to transport children to and from school-age child care locations. This legislation was passed by both houses of the legislature and signed into law in August, 1986, to become effective July 1, 1987.

B.

PRINCIPLE

The State has the responsibility to set standards for child care programs, establish procedures to monitor and enforce those standards, and ensure the involvement of parents in their children's care.

Government has historically taken measures to protect the common good of its citizenry through a variety of means. Permits are issued to restaurants, barbers, and beauticians. Teachers are certified. Drivers are licensed. Automobiles and boats are registered. All of these activities involve the setting of standards and the establishment of procedures for monitoring and enforcement.

For a number of years the health, safety, environment, and to some extent the daily program in child care settings have been regulated by the State of New York, primarily through the licensing of day care centers and family day care homes.

In the following recommendations the Commission suggests that a number of changes or modifications should be made that would enhance the protection of children, expand the supply of regulated care, improve monitoring and enforcement procedures, and reinforce the essential role that parents play in the care of their children.

RECOMMENDATIONS

B-1 RECOMMENDATION

New York State should modify its family day care regulatory system to eliminate the current numerous obstacles to the supply, quality, and functioning of family day care throughout the State, and to encourage more people to become providers and meet high standards for family day care. The processing of applications from prospective providers should be expedited.

a. Persons interested in becoming regulated family day care providers should attend an orientation session conducted by the relevant public regulatory agency or its designee on the requirements, responsibilities, and benefits of regulated family day care.

b. Following the orientation session, persons seeking to become part of

the regulated system should complete an application that includes the following items:

- two personal references that speak to the person's ability to offer family day care in accord with regulations governing such care;
- proof of having met the relevant standards for personal health and the health of other family members or persons who would have regular contact with the children served in the home;
- a statement certifying that the person will operate her/his family day care home in compliance with all relevant regulations;
- a statement agreeing to permitting an unannounced visit by an appropriate agent from the regulatory system for the purpose of assuring compliance with all relevant regulations;
- compliance with the provisions of the 1985 Child Abuse and Neglect Act (e.g., State Central Registry clearance, etc.).

c. Following successful completion of such an application, the person would be awarded a temporary permit to operate by the relevant public regulatory agency.

d. One-third of all persons holding temporary permits would be visited by the cognizant agency or its designee during the first year of operation. Selection of the providers to be visited would be determined at random.

e. Temporary permits would convert to permanent permits under two conditions: either the holder had been visited by the cognizant agency and had been judged in compliance or after the holder of a temporary permit had held the permit for one year. In either case, the provider's name must have been successfully cleared through the State Child Abuse Registry.

f. Ten percent of all holders of permanent permits should be visited at random each year to assess the degree to which these persons comply with all relevant regulations.

Discussion

The family day care regulatory system throughout New York State creates numerous barriers. The existing system is dysfunctional for a host of reasons. For example, it requires licensing and then fails to license; it does not provide the staff and resources needed to implement licensing; it is not adequately staffed to inspect for compliance and to enforce the law; and it does not uniformly encourage people to enter the family day care field.

Revisions to the system are necessary. The revised regulatory system should be straightforward, administratively simple, and rational. It should include such features as the regular provision of public information about the system, assistance in helping providers begin, and on-going technical assistance. No cost-effective and timely expansion of slots and providers is possible without reform of this nature.

A person wishing to offer family day care should not be delayed or deterred by a time-consuming licensing process in view of the significant shortage of child care which currently exists. Many states do not require official visitation before an individual is allowed to operate as a family day care provider, and there have been no documented increases in problems for children or parents as a result. This recommendation is an attempt to permit operation for a period of time within which the various visits necessary for full licensing could occur. A direct implication of this recommendation is the need for the regulatory system to have additional staff and resources to comply with the 30-day time frame.

B-2 RECOMMENDATION

Incentives targeted toward encouraging family day care providers to become licensed should be developed and publicized. These incentives should be structured so that licensed family day care providers (as opposed to unregulated providers) are assured access to the following:

- equipment and materials;
- public-supported in-service training; and
- clear and concise information about the tax and other economic benefits of being a licensed provider.

Discussion

There is little hope of ensuring some level of quality in family day care until a greater percentage of family day care providers become part of the regulated system. There are several ways to encourage providers to be regulated, including the changes in the current regulatory system outlined in the previous recommendation, making persons aware of the regulatory system, prosecuting unlicensed providers, and providing incentives to providers who are regulated.

Refinement of the regulatory system is most important. Assuming this, it is likely that greater awareness among providers and consumers of the regulatory system should cause some increase in the numbers of regulated providers. Increased prosecution of unregulated providers is unlikely to cause much positive change. The "underground" care is too invisible to be identified, there is little public support for such action, and the regulatory system itself does not have sufficient

resources to make much impact. Beyond refinement of the regulatory system, the thing most likely to have an impact on quality in family day care programming is creating, identifying, and publicizing the benefits that accrue to regulated providers. These benefits should include publicity about such advantages as access to insurance, the Child Care Food Program, and publicly supported training and equipment.

B-3 RECOMMENDATION

a. The New York State Uniform Fire Prevention and Building Code (Uniform Code Part 1110) should be amended to include the following language: The occupancy classification of a Group A-1 single family dwelling is not changed where family day care is provided in accordance with the New York State Department of Social Services regulations.

b. New York State Department of Social Services regulations governing family day care homes should clarify that the sections of the Uniform Fire Prevention and Building Codes that pertain to single-family, two-family, and multi-family non-transient residences are the appropriate sections to apply when potential family day care homes are inspected. This clarification could be added to the "Interpretation" section of the New York State family day care licensing regulations.

c. From a zoning standpoint, family day care homes should be classified as "homes," not "businesses." State law is needed to clarify for the purposes of local laws and ordinances that licensed family day care homes should meet the standards established by the locality for residential dwellings, and, further, that no city, county or district shall adopt or enforce any local ordinance or local rule or regulation that is inconsistent with State standards except where such rules apply to all residential dwellings.

Discussion

Several recent reports on family day care in New York State have identified municipal zoning ordinances or enforcement, and local interpretations of the New York State Uniform Fire Prevention and Building Code as serious barriers to an increased supply of family day care.. Testimony of family day care providers at public hearings and case studies reported to the Commission from child care councils in Dutchess, Nassau, and Westchester counties indicated that local zoning ordinances and local interpretations of State codes frequently result in harassment and barriers to licensing for potential providers.

New York State Department of Social Services family day care regulations are found in Part 417 of Book 18 of the Official Compilation of New York State Codes, Rules and Regulations. The regulations do not require any zoning approvals, but do require "a statement from an appropriate official or authority that the dwelling meets standards for sanitation and safety where local fire, health, and/or building code

authorities require approval." (Part 417.3 (d)). Because the regulations do not specify which standards are to be met, local fire, health, and building inspectors sometimes apply the State Uniform Fire Prevention and Building Code sections which apply to day care centers to the family day care home. The Commissioner of the NYS Division of Housing and Community Renewal has in one instance interpreted the Uniform Code to mean "that the occupancy classification of a Group A1-single family dwelling is not changed where family day care is provided in accordance with the requirements of the NYS Department of Social Services."[10] If family day care homes were treated as any other residential dwelling, they would only be required to obtain a statement, such as a certificate of occupancy, if all residential dwellings in the community are required to have them.

Local zoning boards have frequently placed barriers to potential family day care through ordinances that restrict family day care in areas zoned residential, and treat family day care as businesses for zoning purposes. Several specific cases illustrative of the harassment, litigation, expense, and eventual closing of family day care homes because of zoning problems were examined. At least two court cases have established that there is an overriding State concern for promoting the availability of child care in communities, thereby removing the municipality's authority. However, these are lower court rulings rather than the higher court rulings necessary to establish case law regarding the authority of a municipal zoning board to exclude or regulate a family day care provider in a residential zone.[11]

These recommendations will clarify that the regulation of family day care properly rests with the Department of Social Services; that the appropriate building and fire codes to be applied to family day care homes are those that apply to residential dwellings; and that local municipal zoning boards do not have the authority to exclude or regulate family day care in residential zones.

SPECIAL NOTE: In its original recommendations concerning Family Day Care, the Commission also recommended that the State implement standards and regulations for Group Family Day Care Homes, and that this type of day care also be classified as "homes" for zoning purposes. Such legislation was enacted and signed into law in August, 1986, effective January, 1987.

B-4 RECOMMENDATION

The State should establish a credentialing system for family day care homes, school-age child care programs, part-day programs, and crisis child care centers which are not in violation of the law and which meet State and local standards.

Discussion

This recommendation, reiterated from the Commission's First Year

Report, focuses on a number of child care programs, such as family day care homes that care for fewer than three children and group programs that operate for less than three hours per day, that are legally sanctioned in New York State but do not have access to certain services for which formally licensed programs are eligible.

For instance, insurance companies are increasingly reluctant to insure non-licensed programs, even though they may be of high quality. Also, non-licensed programs cannot participate in the USDA Child Care Food Program, which reimburses for the expense of meals and/or snacks.

An administratively simple credentialing system could alleviate these problems for the programs and, at the same time, ensure a measure of consumer protection by providing minimum standards.

Since virtually no data are available on the number of these group programs and family day care homes in operation or the number of children they serve, the credentialing system would also provide a means of making the programs visible to policymakers for program planning and development purposes.

B-5 RECOMMENDATION

With respect to care for school-age children, the regulations and regulatory system should emphasize staff qualifications and program content, while encouraging a diversity of program alternatives.

Discussion

Regulations for school-age child care programs should encourage a variety of activities with an orientation toward recreational as opposed to academic activities. A good guide for appropriate program content exists in the section "Program Content," contained in the New York State School-Age Child Care RFP for 1986.[12] [See Appendix B.]

As regulations are formulated for such child care, they should not duplicate existing regulations already provided under laws regulating public education. The extensive requirements usually associated with licensing should not be applied to before- and after-school child care programs, since they would limit the variety of programs appropriate to the needs of older children. [See also Recommendation B-4, page 36.]

B-6 RECOMMENDATION

Procedures should be developed and implemented to ensure that all schools offering programs for more than three hours per day for children under the age of five meet the child care licensing standards.

Discussion

Child care licensing standards are intended to ensure safe care for young children. As such, they should be uniformly enforced regardless of the auspices under which a program operates.

The regulatory system currently allows any school offering grade school education to exempt itself from day care regulation for any preschool component it may operate. Procedures are needed to give parents the confidence that these programs are appropriate for preschool children.

B-7 RECOMMENDATION

The intent of the New York State Day Care Licensing Regulations should be clarified and training provided to reduce regulatory variances caused by personal or local interpretation on the same topic from one regional office to another within the State.

Discussion

According to testimony received at public hearings conducted by the Commission, the degree of documentation required for licensing varies greatly from one region of the State to another. The problem appears to be caused by varying interpretations and waiver of requirements, as determined by the local regulator.

B-8 RECOMMENDATION

Licensing standards and systems should be reviewed every three years by all parties affected (e.g. regulatees and regulators, as well as consumers/parents).

Discussion

The field of child care is changing rapidly and the "system" should formally provide opportunities to periodically incorporate new perspectives, knowledge, and ideas. Child care providers, parents, State regulatory agency staff, and experts in the fields of early childhood education, day care, and child development should participate in the review process. This process should include identifying problems and complaints, reviewing recent research in the field, and examining national trends and innovations for ways to improve the quality and supply of child care services.

B-9 RECOMMENDATION

To support the importance of cultural diversity and gender identity in child care programming, Section 418.14c of the New York State Day Care Licensing Regulations should be replaced with the following regulatory statement:

"Experiences for each child within the program environment must be designed to influence a positive concept of self, recognizing that a child is a member of a family and an ethnic, racial, cultural, and gender subgroup. The multi-cultural, non-sexist program must be designed to maximize the strengths and unique experiences of each child's subgroup."

Where other regulations and/or guidelines exist for programs not governed by the State day care licensing standards, the substance of the above recommendation should be incorporated into those regulations or guidelines with the appropriate wording. For programs not directly regulated by the State, the State should use all appropriate means to encourage such programs to comply with this regulatory language.

Discussion

An important dimension of a program's quality is the degree to which it competently addresses issues of cultural diversity and gender. Cultural diversity is the American norm. Recognition of and respect for a child's unique cultural heritage and gender identity is essential. Culture and gender provide sources of identity, a framework for interpreting the world, the basis for a feeling of belonging, and the basis for value formation.

Current day care licensing regulations do not specifically focus on the importance of this concept. Section 418.14c reads: "The daily activities for each child in the facility must be designed to influence a positive concept of self and to enhance his social, cognitive, and communication skills."[13] The intent of this recommendation is to underline the importance of cultural diversity and gender identity in the optimum development of a child.

B-10 RECOMMENDATION

a. In general, there should be more involvement in the educational and other activities of child care programs by health clinicians.

b. Through appropriate means, the Department of Social Services and the Department of Health should encourage linkages with local municipal or county-run Child Health Clinics in order to provide free child care intake physicals, as an option to parents who cannot schedule a visit with another health provider.

c. Educational and monitoring activities should be developed to ensure that child care workers are capable of health practices that minimize infection. These practices should include the ability to identify symptoms of illness in children and to determine those which require immediate medical care. In addition, training should be required for staff working with infants and toddlers in appropriate handwashing and other practices that reduce potential problems of illness.

   Child care workers also need to be trained in, and monitored for, proficiency in the management of acute childhood emergencies such as choking, seizures, and cyanotic episodes.

d. Staff of all child care programs should be required to show proof of immunization against rubella or have titres drawn showing appropriate immunity prior to employment.

e. Staff of child care programs should undergo TB testing when they begin employment in the program. Yearly testing should be eliminated unless there is specific reason to recheck because of TB outbreak or local need.

f. All regulations governing child care should be amended by the adoption of age appropriate revisions of the Head Start standards regarding the screening for preventable conditions and immunization frequency.

g. Regulations governing all forms of child care should be amended so that the immunization record, medications records, and allergic history will be reviewed and updated for all children on at least a yearly basis.

h. Permanent immunization records should be maintained as a separate part of a child's health record, thereby eliminating the annual repetition of such information and reducing the possibility of error.

i. Children with minor infections (colds, etc.), once examined by a physician and placed upon appropriate medication, should be admissible to a day care center or family day care home and provided care in a manner which does not increase risk of infection spread to other children.

j. Children with AIDS and AIDS-related complex should be evaluated for admission to and/or retention in child care programs in accordance with current Centers for Disease Control guidelines on the subject.

Discussion

a. Current guidelines allow for involvement of clinical health practitioners in day care center activities, but unfortunately this does not often occur.

b. Requirements for intake and yearly physical examinations for the completion of child care record forms are certainly in the best interest of the child. However, this requirement can pose additional burdens on working parents who must schedule separate visits with their MD's at additional expense. This situation is further complicated by two other problems. Many parents do not have a consistent provider of preventive and primary care for their children and are forced to utilize hospital emergency rooms inappropriately. Second, many private MD's do not cooperate in rendering the required tests for child care entry (especially for Head Start programs, which require tests for anemia and TB, in addition to immunization updates).

c. The State should provide support for training the child care community in health-related matters. The training should specifically address procedures for controlling the spread of infection and techniques for managing areas designated for sick children. The Centers for Disease Control have recently developed an excellent Day Care Center Kit for halting the spread of disease in child care centers, and this should serve as the basis for initial and periodic maintenance educational activities for center-based staff.[14] Analogous materials should be developed for family day care providers.

Acute emergencies are life threatening unless they are competently handled. The resources should be provided to ensure that all child care workers have the skills necessary to handle emergencies of this type.

d. Staff working with very young children may be exposed to the rubella virus because infants may not have received their immunization. While not dangerous to most staff, it would create dangerous exposure to staff members or parents of children in the program who are in early stages of pregnancy. Therefore, this is especially important for adults caring for infants and toddlers.

e. Children are only required to be checked for TB at the time of entry into the program. Staff should not be required to undergo annual testing without need.

f. Head Start standards are comprehensive and maximize the center's or family day care provider's ability to contribute to the early diagnosis and treatment of preventable disabling conditions.[15]

These standards are as follows:

- Height, weight, and age at beginning and end of each year of enrollment.
- Vision testing beginning at age 3 and every 2 years thereafter.
- Audiometric testing beginning at age 3 and every 2 years thereafter.
- Hematocrit (hemoglobin) during first year of child's enrollment.
- TB skin test on enrollment if more than 9 months of age.
- Immunization scheduled on a regular basis (chart appears in Appendix C).

g. The health supervision record required under current regulations lacks any reference to frequency of review of records. Because of the nature of childhood development, medication needs and allergic pre-dispositions are continually evolving. Spot checks by the regulatory systems are necessary to ensure compliance with this recommendation.

h. All too frequently, medical records are not completely filled out and important information is sometimes not recorded. By insuring that only pertinent yearly data is required, the appropriate immunization information which is required of all children when they enter group programs would be maintained, and handed on when the child leaves the program.

i. Because children from six months on have lost most of their maternally acquired protective immunity, they often experience repeated colds and viral infections as their bodies develop immunity to the common pathogens of their environment. Therefore, frequent minor infections (colds, etc.) which can run courses of 4-5 days are common for children during early childhood years.

There is a need for day care center and family day care homes licensing regulations to be changed to encourage the programs to care for children with minor childhood illnesses in a manner which does not increase risks to well children. Current regulations require separate isolation or quiet areas for children who get sick while at a center, but they do not provide for care of children who are ill when delivered to the center. The intent of this recommendation is to encourage, as opposed to mandate, the appropriate care of children with illness. It is not our intent to force programs with insufficient space to create ad hoc and dysfunctional arrangements. However, working parents cannot afford to take frequent absences from work to care for children with minor illnesses, such as colds or the flu. Often these parents are required to make quick alternative arrangements for such children (friend, relative, etc.) which can result in exposure of other healthy children and adults to the illness.

Since the list of illnesses [see Appendix D] is not all-inclusive, programs should be encouraged to seek professional guidance regarding other conditions.

j. There is considerable confusion in the child care and lay communities about this issue. The Centers for Disease Control (CDC) are widely recognized as informed and current, and their guidance should be followed.[16]

B-11 RECOMMENDATION

a. Procedures and mechanisms for monitoring and enforcing regulations should be established and uniformly carried out throughout the State. Monitoring/enforcement activities should:

- offer technical assistance and/or training, in order to reduce risk of injury or harm to children and staff (primary prevention strategies), and improve effectiveness of operations (secondary intervention techniques or skill building); such work should include reviewing training plans and offering technical assistance, reviewing program philosophy, and disseminating relevant materials to providers. In addition, resources should be allocated to train regulatory and program staff to maximize children's opportunities to experience cultural diversity, positive gender identity, and involvement with children with disabling conditions within particular programs.

- receive and respond to complaints about child care services;

- rationalize and clarify state and county jurisdictions for child care regulation.

b. A central file of information on complaints and investigations about illegal child care should be maintained at the regulatory agency indicating the time and nature of complaint and action taken. Data should be maintained uniformly for the entire State and, within confidentiality constraints, made available to the public.

c. A toll-free telephone hot-line should be established to provide information to parents about child care resource and referral, standards for quality, and complaint procedures.

Discussion

The State has the obligation to ensure a safe and healthy environment for all children enrolled in child care services. However, the supply of visible, regulated child care in the State is seriously inadequate. At least three-quarters, and probably closer to four-fifths, of all child care in the State is "underground;" most of our children are cared for in unregulated settings. At the same time, parents have little information about licensing standards, components of quality care, or

where to turn with a complaint or problem. Commission investigations into enforcement and monitoring procedures revealed discrepancies and inconsistencies throughout the State, and confusion between State and county jurisdictions. This set of recommendations is intended to foster improvements in the licensing*, monitoring and enforcement system.

Monitoring schedules can be formulated in accordance with a risk assessment with programs having higher risk scores being visited more frequently than those with lower scores. Risk assessments can be done on the basis of:

- frequency and seriousness of violations found;
- frequency and seriousness of complaints received;
- history of staff turnover;
- staff/child ratios and qualifications of staff.

In every monitoring program there should be effective training and technical assistance. The goal here is to offer help to those programs needing assistance in maintaining quality standards, as well as for those wishing to improve, expand, or alter service delivery systems; e.g., open a new program, add infant care, sick child care, night care, or expanded family day care. Regulatory personnel need not be the source for all training. Child care resource and referral organizations, child care councils, institutions of higher education and the like should conduct the bulk of the work. However, regulatory personnel should be helpful and informative to programs in the way they implement the regulatory process.

Where monitoring and technical assistance services prove ineffective a strong enforcement program should be in place with authority to sanction, fine, or close services where risks to children's health, safety, and wellbeing prove to be unacceptable. Legislation recently signed into law, which becomes effective December 1, 1986, establishes civil penalities (fines) for day care centers operating in violation of State licensing regulations. This is a positive first step. The enforcement system should, of necessity, contain a right of appeal in order that child care services may enjoy due process.

Educating the public, and parents of young children in particular, about standards for quality child care, how and where to get information about child care services, and complaint procedures can effectively complement the official regulatory system. Parents are in the best position to monitor child care daily, and can stimulate improved quality of care through consumer demand.

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* The term "licensing" is intended in a generic sense, and could encompass permits, certification, and/or registration of child care services.

B-12 RECOMMENDATION

The number of State licensing staff should be increased, and those responsible for licensing should have experience and training in the field of child care to improve the effectiveness of the licensing, monitoring, and enforcement procedures and mechanisms.

Discussion

Licensors should have in-depth knowledge about child care and children; they should be capable of assisting programs in meeting standards and improving quality, not just monitoring programs for compliance. Staffing should be sufficient to allow a minimum of two visits per year per center and more frequently to programs designated as high risk through assessment.

B-13 RECOMMENDATION

a. Every child care program should be provided with a "parent involvement" guide which describes in detail the great variety of ways that parents can contribute to programs and daily routines. Suggestions for implementation should also be provided, including a sample parent handbook. This guide would encourage program staff to stress that the primary responsibility for childrearing remains in the family, and that this responsibility is fulfilled in part through active involvement with the child's program.

b. Licensing requirements for day care centers should include provisions for parent involvement as follows:

- When a child care program has a Governing Board, that board should contain a minimum of seven members. For all boards, whether they have seven members or more, at least one-third of the membership should be composed of parents with children currently enrolled in the program. For a program without a Governing Board, the program should have a Policy Committee. The membership on the Policy Committee should meet the same requirements as stated for Governing Boards.

- Parent participation at the day-to-day level should be provided for in center policies, to include but not be limited to training of caregivers in effective communication and parent-involvement skills, and provision of appropriate, accurate, honest information to parents, both in writing and through easy access to opportunities for program visitation.

- Every parent should be provided with a parent handbook which spells out the parent's and program's rights and responsibilities, and includes a specific list of opportunities

for parent participation in the center program.

c. Licensing and/or registration requirements for family day care and group family day care homes should require that the provider make a policy statement available in writing to the parent(s) of each child. Technical assistance should be provided to family day care providers in preparing this statement. The statement should include (but not be limited to) information about the provider's preferred child guidance techniques, educational goals and activities, holidays and vacations, sickness policies, and fees.

Discussion

a. Parent involvement has traditionally been defined more narrowly than is necessary. The creative provision of opportunities for parents increases options for both parents and programs, thus increasing the probability that parent strengths can be effectively harnessed. A guide provided to all programs would underscore the importance of the parent involvement regulation and contribute to a unity of purpose. The guide should be structured so that it is appropriate to child care programs regardless of the modality. For example, the guide may need separate sections on center-based care and family day care.

b. This argument is consistent with Head Start Guidelines and work done during the review of Federal Interagency Day Care Requirements [17]. It is a direct reflection of three important assumptions: 1) that childrearing is the primary responsibility of the family; 2) that the parent has a right to be an informed consumer, in order to retain regulatory control over the "fit" between family and child care arrangement; and 3) parent participation is necessary to ensure accountability.

c. It is very difficult to require family day care providers to involve parents actively in their daily programs, but every effort should be made to share important information between caregivers and parents/guardians.

B-14 RECOMMENDATION

a. The Governor should include in his legislative program the following items of legislation:

- Job protection should be guaranteed for anyone who receives Temporary Disability Insurance (TDI) from the State of New York. This should include the right to return to the same or comparable job.

- Existing health benefits of the employee should be maintained by the employer during the period of temporary disability.

- The percentage of average weekly wage covered by TDI should be increased to 66-2/3% and the maximum benefit for TDI should be increased to $200 per week.

- In addition, unpaid parenting leave of 18 weeks duration for the birth, adoption or serious illness of a child should be guaranteed by law in New York State. Such a law should entitle an employee who takes parenting leave to return to the same or comparable job, and should require the employer to maintain any existing health benefits of the employee for the duration of such a leave. An employee may elect to substitute accrued paid leave for any part of the eighteen week period.

  All companies with more than five employees should be covered.

b. The Governor should request the appropriate agency within the State to analyze the cost and feasibility of providing partial wage replacement for the period of parenting leave, possibly through the unemployment compensation system of the State of New York.

Discussion

a. Labor force participation by mothers of very young children has been increasing at a very rapid rate. Nationwide, 48% of mothers with children under age one are in the workforce.[18] As recently as 1977 this figure was only 32%.

New mothers in New York State are relatively fortunate; they are guaranteed partial wage replacement usually for about 6 weeks, after birth through the State's Temporary Disability Insurance system.

However, TDI is deficient in two important respects. First, there is no guarantee that a person who has taken TDI for any reason will have a job to which to return. Second, wage replacement is very low: only 50% of the average weekly wage with a maximum benefit of $145 a week. This is lower than the other four states which offer TDI, including the neighboring state of New Jersey.

We recommend extending these changes to all forms of disability, not just pregnancy, in part to avoid charges of discrimination, and in part because it would be a real benefit to all disabled workers.

In addition, it is clear that the six weeks that is generally available to new mothers through TDI is inadequate. The amount of time allowed by TDI is based solely on the physical incapacity of the mother (and there are apparently efforts by some employers to claim that women are able to work four weeks after giving birth).[19] There is no consideration of the needs of the child, of the needs of the family as a social unit to adjust to the demands of a newborn

baby, or of the time required to arrange for satisfactory child care.

While there is no clear consensus among experts on the optimal amount of time for parents to spend with their newborn children, it is widely agreed that such a period is desirable. A recently completed study by the Yale Bush Center in Child Development recommends a six month period of care by at least one parent. According to Edward Zigler and Susan Muenchow of Yale, "Although family coping strategies vary greatly, and although no parent should be forced to take an infant-care leave, there are compelling family as well as child-health reasons to make this leave available for a period of up to six months."[20]

While TDI normally covers only the first six weeks after birth, child care for infants under eight weeks is not allowed in licensed facilities in New York State. In addition, licensed care for infants eight weeks and older is expensive and very hard to find.

We recommend that parenting leave include leave for adoption--a difficult time for parents and child which is not covered by disability leave. Parenting leave may be taken by fathers or mothers. Although few fathers take advantage of parenting leave where it exists, we believe that it is essential to offer it in the interests of social equity and encouraging shared responsibility for childrearing.

We recommend that parenting leave and disability leave require maintenance of any health benefits which the employee had prior to the leave. While we consider it desirable to maintain <u>all</u> benefits, we feel that health benefits are of such a high priority to a new parent and child that we would limit the mandatory coverage to that benefit.

b. We believe that paid parental leave is essential if low income parents are to have the same ability to care for their newborn children as well-to-do parents have. Every industrialized country except the United States offers paid leave--usually four to five months--at a much higher level of wage replacement than in the United States. It appears that no governmental body in the United States has examined the cost and feasibility of such leave. We urge the Governor to begin to study the issue.

C.

PRINCIPLE

The provision of high quality child care requires special skills and training, and a sound knowledge of child development. The importance of qualified, trained child care workers to the quality of child care programming should be recognized and reinforced.

Excellence in child care programming is essential to the well-being of children, their families, and society as a whole. The long term benefits of high quality child care programs have been well documented and the aspects of excellence in programming can be identified and defined.

Exemplary models of high quality child care can be found in each of the various forms of child care in New York State--in preschools, family day care homes, child care centers, and school-age programs alike. The Commission suggests, however, that the quality of care in the State is seriously threatened by a growing shortage of qualified, trained child care workers, lack of consistency and equity among program types, and a general lack of public awareness about the value of quality care to the future of children and of the State.

The following recommendations are designed to address these concerns.

RECOMMENDATIONS

C-1 RECOMMENDATION

All child care providers in New York State, including legal family day care providers, group family day care providers, and all employees of licensed child care centers, should receive a comprehensive package of benefits that includes (in addition to those benefits already required by law):

- health insurance, including dental coverage, to cover the individual and dependents, with the child care provider paying no more than 25% of the premiums;
- a retirement plan for which the child care provider pays no more than 25% of the cost;
- paid release time and/or tuition payment assistance for professional development;

- paid leave time to include holidays, sick time, and vacation.

In addition, because many child care providers are themselves the parents of children needing care, and in order to demonstrate the importance of child care as an employee benefit, workers in all licensed day care centers should be entitled to a partial child care payment in the State-regulated child care program of their choice.

Other benefits that should be considered for inclusion in child care provider's packages are individual professional liability insurance and legal services.

This comprehensive benefits package should be supported at least in part by State funds.

All programs and/or providers participating in the subsidized benefits program should:

- provide evidence that they are not exclusionary by virtue of their policies and practices related to the selection of children or their provision of the range of services critical to the participation of certain children;

- be required to meet all State human rights and affirmative action requirements.

Discussion

A critical shortage of child care providers is hindering any increase in the supply of quality child care. Improving the benefits packages available to child care workers will help address problems of low morale, high turnover, and attrition that are driving qualified providers out of child care and into better-paying jobs.

In a recent survey of child care workers in New York State, outside of New York City, the Center for Public Advocacy Research found that only 54% of the centers offered health insurance benefits, 19% offered dental benefits, and 17.5% offered retirement benefits. Only 31.4% of the centers paid the full cost of individual health insurance and only 26.1% paid any part of family coverage.[21] Although most centers would like to increase the benefits they provide for their employees, this would require a raise in parent fees. Such an increase in fees might make child care unaffordable for many lower and middle income families.

The situation in family day care is even more grim. Family day care providers receive no paid benefits for retirement, health, or dental insurance. Additionally, they have no opportunity for paid leave time or even regularly scheduled breaks. Many of them have no federal Social Security coverage.

The benefits for State employees might be used as a model for child care programs in New York. State employees receive fully paid dental insurance, low or no-cost individual health insurance and partial payment of family health coverage. They participate in a retirement plan for which they pay no more than 3% of their salaries. The State also offers up to 38 paid leave days in addition to holidays.

An added advantage to this program of recommended statewide benefits for child care providers would accrue: unregulated family day care providers and centers would seek to come into compliance with State regulations in order to qualify for these benefits.

Three options for implementing a benefits program for child care workers have been developed. They are as follows:

1. New York State could establish a not-for-profit Child Care Worker Benefit organization that child care centers and State regulated family day care providers could join for a minimal fee. This organization would purchase the health insurance and retirement program. For licensed, not-for-profit centers and regulated family day care providers, the State would pay the employer's share through direct appropriations or increased reimbursement rates. For-profit child care centers could buy into the programs for rates which might be lower than the normal open market rates.

2. New York State could establish a statewide child care worker benefit fund, modeled on the Day Care Center Local 205, District Council 1701 Welfare Fund. This benefit could be funded by:

   - direct State funding or

   - the reimbursement rate paid to centers and providers could be raised and those funds used to cover the cost[22]. Centers and family day care providers serving non-subsidized children could buy into the plan at an affordable rate.

3. All staff members in State-licensed, not-for-profit child care centers and all regulated family day care providers could be made eligible for New York State employee benefits. For-profit centers could buy into the package for rates that might be lower than those on the open market, but they would pay the full employer's share.

C-2 RECOMMENDATION

a. New York State day care centers licensing regulations should adopt the nomenclature developed by the National Association for the Education of Young Children (NAEYC), which provides for four levels:

-Level 4: Early Childhood Specialist
-Level 3: Early Childhood Teacher
-Level 2: Early Childhood Associate Teacher
-Level 1: Early Childhood Teacher Assistant
with one additional level:
-Entry Level: Teacher Aide

[These five levels are described briefly in Appendix E].

b. Publicly-reimbursed programs in New York State should establish local pay parity for all educator/caregivers within a school district so that all staff with equivalent credentials and responsibilities--whether in public schools, child care centers, or Head Start programs--receive equal pay.

c. All child care programs in New York State should provide appropriate career ladder opportunities for child care providers.

Discussion

The key to quality child care lies in the caliber of the person who is in direct contact with the children, whether in the child care center classroom or the family day care home. We support the position that, in view of the body of knowledge that is available concerning the development of the young child, specific training results in a more competent caregiver.

This recommendation requires the provision of sufficient training and educational opportunities to enable staff at every level to advance to higher levels if they so desire. It also requires significantly higher reimbursement rates to providers as well as increased parent fees in child care programs. It will also be necessary to increase eligibility levels for subsidies to keep child care affordable for low and middle income families.

Until recent times, caregivers have been willing to work for very low wages in exchange for a high level of job satisfaction. Today, many early childhood teachers and specialists are more highly trained than ever before, but training and years of experience make very little difference in salary because a career ladder is missing. In our society, salaries are an indicator of status, and caring for young children is devalued in proportion to its low salaries. Vacancies in center-based programs have reached crisis levels as qualified early childhood professionals have moved into public school at salaries sometimes double those that they can make in centers. The sudden drain of personnel leaves centers with underqualified staff and has the recursive effect of thereby giving child care an even lower status. To begin to attract new workers into the field, a child care public awareness campaign should be implemented, and should include information about careers in child care. It should focus on the value and importance of work in child care [see

also Recommendation C-5, page 56.]

In order to recommend salary and benefit levels for providers, we suggest that it is necessary to establish a common nomenclature, as developed by the National Association for the Education of Young Children (NAEYC).[23] Currently, an entry level position might be called caregiver, aide, teacher assistant, or assistant caregiver, among others. A head of a group, as specified in the New York State Day Care Licensing Regulations, might be called teacher, caregiver, or assistant teacher. Qualifications for these positions and corresponding salary levels are at present inconsistent. The New York State Department of Social Services and the New York City Department of Health should include the suggested nomenclature in all licensing regulation materials.

We take note of the fact that salaries are low--the average pay in this field outside New York City is less than $5 per hour[24]--and the salary range is extremely limited. Those with degrees have higher salaries, but, degreed or not, there is not much difference in pay when experience is the variable. Steps must be taken to close the gap between salaries offered in the public schools and those offered in child care programs.

Funds should be appropriated by the State Legislature to increase the rate of reimbursement for subsidized child care to a level sufficient to allow day care centers to pay the salary levels suggested. It should be noted that New York City centers are now reimbursed at rates that approach the salaries suggested, thus reducing the amount of new funding required. [See also Recommendation E-3, page 69.]

While comparable pay in all programs would allow teachers to choose the system in which they wish to work, and would draw new teachers into early childhood programs, staff training and development as well as career ladder programs would serve to increase job satisfaction. Such a career ladder program would help those persons who are employed as aides, assistants, or associates to become teachers or specialists.

Financial assistance and release time should be offered to encourage providers to attend training or pursue further education. Job credit should be given for attendance at workshops, lectures, or in-service training programs. These credits would be included in the provider's personnel file and would be combined with experience when granting wage increases. Currently, wage increases are granted to years of experience or attainment of a required number of college credits. Granting job credits for workshops, etc., provides a means of professional growth for providers who do not choose to pursue a college degree. It also serves as an incentive to all providers to upgrade their skills and expand their knowledge.

Career counseling should also be a component of the career ladder program. Such counseling could: encourage family day care providers to utilize their experience in child care centers and recruit neighborhood

residents for entry level positions with the understanding that they would work toward higher level positions. Persons employed as early childhood teachers would be counseled on other opportunities available in early childhood education in the public and private sectors. Such a job placement system would help to keep experienced providers in the field and increase advancement and mobility opportunities, particularly for minorities. These career ladder inducements, and training that results in credentials must be instituted in order to slow the rate of staff turnover and provide children with the constancy of care that they require in the early years.

A central state office and a system of local child care resource and referral programs [see Recommendations A-1, page 22, and E-4, page 70] should be established to conduct the following activities:

- lending library materials, including books, films, videotapes, etc.;
- providing information about local child care providers, including child care centers, family day care, preschools, Head Start, Pre-K, etc.;
- listing all local and State groups and agencies relating to child care; and resources persons for training, CDA, and NAEYC accreditation;
- listing support agencies for parents;
- offering career counseling and job referral services.

C-3 RECOMMENDATION

Child care programs eligible to participate in the National Association for the Education of Young Children (NAEYC) accreditation system should be encouraged to do so. Public funds should be made available to reimburse such programs for the validation fee paid to NAEYC. Such payment should be made after the program has successfully earned the NAEYC accreditation.

Discussion

Licensing sets a foundation of quality, assuring basic child safety and some level of quality through mandatory group sizes, child/staff ratios and caregiver qualifications. Most center-based programs are licensed. Improvement of their quality beyond levels specified by licensing demands an agreed upon "higher level" definition of quality, coupled with tangible incentives for achieving this higher level.

The National Association for the Education of Young Children (NAEYC) has recently developed standards for child care programs and an accreditation system for measuring programs against these standards.[25] The standards are comprehensive and contain areas poorly addressed by current licensing codes. Such areas include staff-child interactions, curricula, and parent involvement. They therefore constitute an appropriate level of quality--above licensing--to which centers should

aspire. Beyond this, accreditation by NAEYC should have some important incidental effects. The accreditation process demands an extensive self-study by the program--a study which must involve parents and staff. Completing this process should help both parents and program personnel develop a deeper understanding of what constitutes a quality program.

C-4 RECOMMENDATION

There must be a comprehensive and available training system in the State that focuses on developing qualified new professionals and advancing those already in the child care field. Such a training system should include: colleges and universities, community colleges, the Child Development Associate program, workshops, conferences, and both pre- and in-service training. The system should provide a continuum of training from entry level positions to higher level positions such as teacher and specialist. Training should include the care and education of young children from infancy through third grade.

Discussion

The single most important variable in the quality of an early childhood program is the training of the teacher. Yet, the present teacher shortage, projected to continue into the 21st Century, is severely limiting the number of qualified teachers and assistants available to work in child care programs. A comprehensive and available training system can provide a supply of new teachers, enhance career ladder opportunities for those in the field, and contribute to the status of the profession and morale of the teachers.

The following components of a comprehensive training system are suggested:

- A statewide network of child care resource and referral agencies should be developed to provide information on educational and conference opportunities, financial assistance, resource persons and materials for in-service sessions, and to conduct some workshops and in-service sessions [see also Recommendation A-1, page 22.]

- New York State should appropriate funds for scholarships and forgiveness loans for graduates who work in child care programs, as well as for the fee for accreditation for the Child Development Associate program.

- New York State should pass legislation to allow employment in early childhood programs to count toward forgiveness of National Direct Student Loans.

- Early childhood programs should budget for registration fees for staff members to attend workshops and conferences and for release time for staff members to participate in training or educational

activities.

- Professional organizations, such as the National Association for the Education of Young Children, should be encouraged to develop and provide brochures and films on "Careers in Child Care" for use at job fairs, high school and college classes, and meetings of community groups.

- Early childhood programs should be encouraged to give salary and promotion credit for attendance at any form of training that is part of this system.

- The two-year Early Childhood Associate Degree, that is working well in a number of community and State college settings, should be increased and strengthened, using SUNY Cobleskill as one model because of its excellent practicum program.

- Colleges and universities should be encouraged to revise their programs in elementary education to include courses that would be applicable for graduates entering the field of early childhood education.

- Specific training for administrators of programs for young children should be developed and implemented.

- A graduate certificate program, such as the one being developed at Adelphi University, would enable a certified teacher to take twelve graduate credits in an early childhood specialty to receive a certificate, or to take these credits in conjunction with other required courses leading to a Master's Degree in Education.

- A new teacher certification that emphasizes preparation of teachers to work with children from infancy through the early elementary years should be developed.

- New York State should pass appropriate legislation which would allow student teaching in a licensed child care program to meet the requirement for an early childhood education (ECE) degree providing it was carried out under the supervision of a certified teacher with credentials in the ECE field.

C-5 RECOMMENDATION

A public awareness campaign should be developed and implemented by the State of New York, to promote a positive image for the child care field. Consideration should be given to contracting with a public relations agency for the campaign and to seeking corporate contributions to assist in the funding of this effort. A State agency with proven experience in campaigns of this type should be designated to assume overall responsibility for the campaign. In designing the

campaign, it is recommended that public service announcements over the electronic media and brochures for statewide distribution be prepared.

Discussion

This recommendation is carried over from the Commission's First Year Report because we believe that a public awareness campaign can improve the child care system statewide. Such a campaign would underscore the importance of child care to a healthy state economy and to the well-being of our young children and their families. It would improve the image of the child care profession, attracting bright and capable workers to fill the void in child care programs. And it would provide the education necessary to reassure the public that the vast majority of child care programs are safe, reliable, and trustworthy.

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D.

PRINCIPLE

Neither government nor employers can meet the vast need for child care alone. There must be continual effort to seek support from various sectors, to explore and promote public/private partnerships, and to provide a safe environment for employees to voice their child care concerns.

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In today's society issues of child care, economic growth, and the quality of life at the workplace are intertwined. Yet the role that enlightened employers might play in improving the availability, accessibility, affordability, and quality of child care is largely unexplored across the State.

Much of the hestitation on the part of employers toward becoming involved is due to a lack of information about and confidence in the current child care system, and in the reluctance of employees to speak up about their child care problems.

In the following group of recommendations, the Commission suggests that the State undertake innovative activities that would encourage the participation of employers by increasing their awareness of child care needs, providing information and technical assistance, and creating local forums where employees would feel comfortable about expressing their child care concerns.[26]

RECOMMENDATIONS

D-1 RECOMMENDATION

The Governor should hold breakfast meetings for Chief Executive Officers (CEO's).

The head of State should meet with the heads of major corporations to examine the issue of child care in New York State. A series of four or more breakfasts around the State should be held by the Governor and co-sponsored with a major employer in the State. The purpose of the meetings is to familiarize decision-makers with the child care market and the various ways in which employers might provide child care benefits for their own employees or venture into public-private partnerships with the State. A range of issues addressed by the New York State Commission on Child Care should be shared, not just those specifically involving employers.

Discussion

These breakfasts are modeled after the 34 meetings sponsored by President Reagan's Private Sector Initiatives Task Force. Those meetings were successful because of the attendance by CEO's, an accomplishment that no other conference sponsor has been able to match. The prestige of the Governor's Office and the co-sponsorship by a well-respected business leader should be successful in recruiting CEO's to meetings in the State of New York.

The importance of reaching top-level decision-makers is critical to the eventual commitment of both the public and private sectors to child care. All of the research conducted by the Commission on employer responsibility indicates that the single greatest obstacle to increased employer involvement in child care is that employees do not speak up about the problem. The prestige of the Governor's office can also lend legitimacy and credibility to the issue and help educate the most influential business leaders in the State about ways to become supportive of child care.

It is also critical that the focus remain on the child care delivery system, with employer involvement as a subset of that system. It is clear from the current direction of employer support that companies prefer to help their employees take advantage of existing child care resources rather than starting their own. Generally, they help their employees find or pay for community-based services. Employers, therefore, need to understand how the community-based system works and where there are gaps they might help fill. An overview of the entire system would serve to educate the business community.

It is clear from the New York State Survey of Employers conducted by the Commission with the cooperation of the Department of Commerce, that corporate managers are uninformed about the child care market. They were unsure about the demographics of the family, assuming that most families have a male breadwinner with the mother at home with the children; they believe that most children are cared for in day care centers. They also indicated a lack of confidence in the State's licensing system. Their input to government would also be important in these CEO breakfasts with the Governor.

Those invited would include CEO's from companies already providing child care support as well as those who are contemplating involvement. There may be an advantage to inviting companies from similar industries to each of the meetings. For instance, leaders from the banking and insurance industries may be familiar with each other and the kinds of business issues facing their companies. The conversation can become more specific as they explore solutions for employee populations of a similar nature.

The program would include no more than three speakers: a) one who provides an overview of child care in the State of New York, including

highlights from all the recommendations made by the Commission on Child Care; b) another who presents the range of corporate options; and c) someone, hopefully the Governor and/or a CEO, who expresses his or her commitment to the issue of child care and the reasons for its importance to the economy of the State and the well-being of children and families. The program should not last more than one-and-a-half to two hours. A press conference should follow where the Governor, co-sponsor, and speakers have a chance to make a few brief remarks and respond to questions.

D-2 RECOMMENDATION

The Governor should appoint a Business Leadership Task Force on Child Care, whose members would emerge from the CEO breakfasts and include CEO's, presidents, and entrepreneurs. The Task Force would focus the expertise of business leaders on the subject of child care. Another source of input into the decision-making, in addition to the breakfasts, would be a series of town meetings to be held around the State. These meetings would be designed to educate the Business Leadership Task Force as well as to provide parents with a safe forum for expressing their child care concerns. The capacity to carry out these objectives depends on appropriate staff support and community expertise, where needed.

Discussion

The purpose of the Business Leadership Task Force on Child care is to apply the wisdom, sophistication, and contacts of New York's business leaders to the issue of child care. This prestigious group would generate ideas for including child care in economic development initiatives, for borrowing venture capital concepts and other financing mechanisms that could be applied to the child care system, and for strategies that increase public-private partnerships in the support of child care services.

The Task Force would also participate in a series of town meetings. Members of the Task Force would serve on the panel listening to working parents' concerns, and would be joined by local legislators and decision-makers from the public sector. The workplace is not yet a safe environment for voicing family concerns. There are decades of practices that say "Keep your personal problems out of the office." As one corporate representative voiced at a meeting of the Employer Advisory Panel, "Employees themselves were reluctant to share the problem. It would lead to a perception that they can't handle the family and the job." And because senior level decision-makers are less likely to have experienced child care problems, they are less able to understand the nature of the problem for their employees and for the company. As a result, child care goes unrecognized as an issue.

If parents are unable to vent their frustrations at work, then where can they feel their problems will be listened to and eventually

addressed? This recommendation is designed to provide that forum for parents so that they can articulate the specific problems they have in balancing their work and family responsibilities and the policies and programs that would help mitigate the resulting stress.

At the same time, the Task Force would thus have information on which to base its strategies for change.

D-3 RECOMMENDATION

A series of activities should be undertaken to provide needed information and technical assistance to the business community. These activities would include the development of educational literature, meetings, task forces, and research. There should be an overall coordination of the various activities at the State level, although community-based organizations should have primary responsibility for carrying out specific projects.

- Development and distribution of educational literature: Three separate efforts are recommended to provide basic information about child care and the range of employer options. The first is an attractive brochure for employers that describes the demographics of the labor force and of working families in the State, the child care market, and the range of employer options. The second is an attractive brochure for employees that also presents demographics, child care facts, and employer options. This brochure would also include strategies for raising child care issues at the workplace. The third educational initiative would involve the creation of a video tape that employers, employee groups, and community organizations could use to educate appropriate constituencies about the need for child care and the ways for the private sector to become involved. The most critical part of this initiative should be the active dissemination of all materials that have been developed.

- Separate industry analyses: Research should be conducted that analyzes the child care issues facing specific industry groups, particularly those which have already expressed a commitment to child care. Separate reports should be generated and meetings held that provide detailed information to various industry groups that can go beyond the more generic information presented in other educational literature. This work may be done in collaboration with trade organizations that are active within their respective industry groups.

- Survey of employees to document productivity effects of child care responsibilities: A research project should be funded that would survey a large sample of working parents in companies to examine the ways in which they balance their work and family responsibilities and the resulting effects on their work performance. The outcome of

this research can substantiate to companies what they will lose by not responding to the child care needs of the working parents they employ. These data can be used very effectively to make a case to business about the bottom-line effects of child care.

- Coordination of various technical assistance efforts: The Governor should designate one agency or office to be responsible for coordinating the various outreach efforts to employers and working parents that would stimulate private sector support for child care. This agency might be the Division for Women, the Council on Children and Families, the Department of Social Services, the Departments of Commerce or Labor, or the Governor's Office.

Discussion

Much of the inactivity among companies in the area of child care is due to their lack of information about the nature of the problem and the various ways to consider solving it. Furthermore, companies may lack the expertise to evaluate the most appropriate response for their company and implement the chosen solution. The recommendations above are designed to provide the means of bridging these gaps.

- In the New York State Survey of Employers, respondents indicated that they were unfamiliar with numerous facts about child care provision that create significant impediments to increased employer involvement. For instance, about half of the respondents indicated they were "not at all familiar" with: tax deductions for employers who provide child care benefits (62%); the nontaxability of child care for employees (67%); the costs of providing various child care benefits (53%); and how to assess employees' child care needs (53%). This lack of information and expertise prevents companies from considering child care or implementing solutions.

  Employers responding to the survey also indicated that the expense of providing child care assistance was the most critical obstacle to increased employer involvement. It is our contention that if they were familiar with the full range of options, some of which are relatively inexpensive, companies would not have indicated that the cost of child care was a major problem. Finally, among a range of initiatives that the Governor might want to undertake, 70% of the respondents favored the creation of educational brochures as described in this recommendation.

  It is recommended that an RFP be issued from a government agency that would provide funding to a State or local organization to conduct needed research and create the brochures for employers and employees. It may be necessary to contract with a separate agency to create a video tape or for the group preparing the brochures to subcontract to a media firm with the needed expertise.

Current patterns of employer support for child care indicate that certain industries are more receptive to child care than others.[27] This is largely attributable to the economic health of certain industries, to the concentration of women, the degree of unionization, and the products or services they provide. For instance, companies in high growth industries, such as high technology firms and those in the service sector, notably banks, insurance companies, and hospitals, have led the way in child care provision because they have a demand for labor and see child care as an effective recruitment tool. Companies in our smokestack industries, often male dominated and unionized, and laying off workers, are less likely to respond to child care at this time. Furthermore, companies that produce family-related products and services are more likely to be interested in child care because they care about the opinions of their family-oriented consumers.

The differences among industry types also became apparent in the New York State Survey of Employers. Retail operations were more likely to consider a range of child care options than manufacturing companies. Companies in the service sector were most likely to have surveyed their employees, established a task force to research child care options, and discussed child care collaboration with other companies or community-based child care organizations. As a result, companies in the service sector were also more familiar with child care issues and more willing to consider a response.

By conducting research within specific industry groups, it is possible to generate information that will be more specific and helpful to managers in those companies interested in providing a child care response. Companies in a similar industry could also be convened to discuss specific implementation issues. They have similar workforces, work hours, locations, managements, etc. Their similarities permit a more detailed exploration of relevant issues and of options that are more suitable to their interests.

An RFP should be issued from a government agency that would fund a State or local organization to conduct needed research, prepare materials, and organize meetings for specific industry groups.

- A survey of employees to document productivity effects is needed to address an important reality about employers currently providing child care support: they become involved with child care when it can be shown that it serves their self-interest; i.e., child care can address a management problem, such as absenteeism or turnover, or help the company recruit new employees or increase productivity. The research that can substantiate a return on investment to a company providing child care is very limited. Three national studies have been done that confirm a positive return to the company, but this research was based on the beliefs of human resource managers and not on empirical evidence[28]. For instance, most companies providing child care support also have an array of other supportive benefits and policies. How can

one conclude that it is the child care program, and not some other policy, that caused the change in behavior?

Another body of research is emerging that is more sound methodologically. It surveys parents about their current child care arrangements and asks them how often they have been absent, late, or interrupted because of child care problems. This research tells companies what they are losing by not responding to child care needs, where the previously described research shows companies what they save by responding. It is also possible to document how different child care arrangements can affect parents' work behavior. For instance, in a study of 8,000 employees in 22 companies in Portland, Oregon, it was found that parents were absent more and called home in the middle of the day when their school-age children were caring for themselves.[29] This finding justifies the need for after-school programs.

In the New York State Survey of Employers more than a third of respondents felt that child care provision would have a positive effect on recruitment, retention, absenteeism, tardiness, employee stress, morale, loyalty, and productivity. However, another third were not sure about the effects of child care provision. More than half were not at all familiar with any research that proves the relationship between child care assistance and productivity. Twenty-seven percent of companies felt that their inability to substantiate the effects of child care on the bottom line was a major obstacle to increased employer involvement. And 63% of respondents felt that the productivity research recommended here should be conducted and widely distributed to the business community.

An RFP should be issued from a government agency that would fund a research institution or organization to conduct a survey of employees to learn more about how they balance work and family demands. A report should be issued to companies that would inform them of the effects of child care problems on the productivity of their workers. This study should be conducted in consultation with the Portland study and the Portland State University Regional Research Center that conducted similar research[30].

- Each of the recommendations in the area of technical assistance is related to the others. In order to assure nonduplication of information and maximum distribution of materials, and to establish a centralized place that businesses might contact for information, there needs to be a coordinator for technical assistance. Next to child care resource and referral agencies, companies seemed most comfortable relying on a government agency for information about child care. It is not necessary for the government agency to conduct the research or prepare the documents proposed, but rather to issue RFP's and coordinate all of the products generated from the various initiatives.

E.

PRINCIPLE

The provision of quality child care requires planning and coordination at the State and local levels, adequate funding, and effective funding mechanisms. All of these activities must be informed by reliable data.

It is axiomatic that consumer demand for particular goods or services will stimulate a supply of goods and services designed to satisfy the demand. But whether the balance between supply and demand will be achieved depends on a number of factors: the quality of the goods and services, their cost, and the ways in which they are presented and made available.

So it is with child care. Changes in society have created unprecendented demand for child care services. The response, however, has been inadequate. Although some services exist across the State, their quality often cannot be assessed; funding levels are frequently insufficient; the system is fragmented, with many inequities and inconsistencies; and there is a lack of reliable data on which to base informed decisions and policies.

The Commission believes that these problems are not insurmountable. This final group of recommendations offers a variety of solutions through coordinated efforts that would increase funding levels, establish equitable and consistent guidelines, and ensure on-going planning and coordination at both the State and local levels.

RECOMMENDATIONS

E-1 RECOMMENDATION

State appropriations for subsidized child care should be increased by $50 million for each of the next five years so as to reach an additional annual spending level of $250 million in the fifth year, over and above the current level of State funding for child care. The major portion of increased funding for child care should be generated through general tax levies. Should federal appropriations for child care be reduced, the State's share should be increased to assure that there is no decrease in the availability of public subsidy for child care. Income-eligible child care should be mandated in every county, and allowances should be increased to the market value of quality child care for public assistance recipients. Local governments should be assisted in maintaining or increasing their appropriations for child care.

Discussion

As discussed previously, quality child care is in critically short supply in New York State. The State needs a major increase in child care funding. Using data from the Council on Children and Families and the Department of Social Services, the Commission estimates that as few as 12% of the children needing substitute child care in the State have access to a regulated child care program.[31] Child care supply and eligibility standards for subsidy are extremely disparate across the State. A statewide plan is necessary to determine the most effective means to ensure a modicum of services in all counties, and to ensure all parents access to affordable quality care for their children. The plan should include increasing child care allowances to public assistance recipients to the market value of quality child care. In addition, income eligibility standards should be mandated for every county in the State. [see Recommendation A-4, page 26.]

Less than a quarter of the total estimated need for child care assistance is presently met through public subsidies. Child care allowances to public assistance recipients are too low and the supply of regulated child care programs is too small to allow parent choice among a range of quality options. Aid recipients are thus forced to choose informal unregulated child care, and the social services department lacks the resources and procedures to monitor or develop the quality of these informal arrangements in any way. An effective way of increasing the supply of quality child care and the access of families at all income levels to that supply is through direct child care appropriations.

With a focus on improving parents' access to affordable quality child care, the funding recommendations build on recommendations for revising eligibility standards for subsidized care. Estimates from the Center for Public Advocacy Research on the possible costs of monetizing this system of subsidies are roughly $2 billion.[32] Recognizing that actual usage patterns would vary somewhat from this estimate; and recognizing that the State budget could not accommodate such a drastic increase; and seeking to improve public/private cooperation in addressing child care needs, a more modest and achievable goal is recommended: a yearly incremental increase of $50 million until a total additional $250 million is added to public State appropriations for child care.

It is recommended that this increased funding be administered through the unified funding program described in Recommendation E-2, below, rather than through the Title XX program. This would allow more ready participation of those counties that have not provided the optional income eligible child care through Title XX, or have severely limited their participation. In addition, local resources would be maximized and private sector involvement encouraged by allowing a mix of funding from local tax levy and private contributions and fees. Community-based child care resource and referral organizations (Recommendation A-1, page 22) can be effective in coordinating private sector contributions from charitable organizations, such as United Way, as well as from

corporations, small businesses, and individuals.

It is also recommended that the State's child care system be continually evaluated and monitored, and that appropriations be adjusted according to changing needs and usage patterns.

E-2 RECOMMENDATION

A review of all federal and State child care subsidy programs (e.g., Title IV, Title XX, and Special Day Care funds) should be conducted with the goal of coordinating existing funding sources into one uniform program to provide child care subsidies for low to moderate income families.

Once established, this uniform program should:

- comply with the eligibility standards established in Recommendation A-4;
- be a mandated service in every county within the State, with a county match of no more than 12-1/2% that can be comprised of public or private sources, including parent fees;
- be used only to fund child care provided in regulated programs, centers, family day care, or group family day care homes;
- provide reimbursement at levels sufficient to pay for care in regulated programs, centers, family day care, and group family day care homes.

As additional State funds are appropriated for the purpose of providing child care subsidies, they should be included in this uniform funding program.

Discussion

The current mix of funding streams and programs for child care has created discontinuity, confusion, and inequity both within and among local districts across the State. Extreme disparities exist among the counties, which have a great deal of latitude in setting maximum income eligibility levels for some major sources of child care subsidy. For example, maximum income eligibility levels for Title XX day care subsidies ranged from $0 (in 23 counties) to $29,935 (in New York City) for a family of four in March, 1985. Table 4 compares the eligibility levels with the numbers of children residing in those counties.

According to the New York State Department of Social Services, in July 1986 thirteen separate child care funding streams were being administered through that agency alone. [See chart in Appendix F].

Other funding streams for child care are administered through other State and federal agencies, including Head Start (U.S. Department of Health and Human Services), Experimental Pre-Kindergarten (State Education Department), Migrant Child Care (State Department of Agriculture and Markets), and the Job Training Partnership Act (Job Training Partnership Council). Each program has separate goals, limitations, eligibilities, funding sources and allocation formulae. Both intra- and inter-agency efforts to unify and streamline the existing set of programs and funding streams will be necessary.

Discontinuity among funding streams and eligibilities often results in abrupt and drastic drains on a family's financial resources, and frequently disrupts continuity of care for children. For parents, the very processes of identifying a possible source of subsidy, applying for the subsidy, and certifying eligibility are often bewildering, time-consuming, and frustrating. Every subsequent change in income, employment, health, or residence can result in a parent's having to search out a new source of subsidy, re-apply, supply documentation, and, very often, find a new child care arrangement. Further, such changes often mean that a family loses eligibility for subsidy altogether, which can typically mean a $2,000-$5,000 a year increase in expenses for child care, as well as another new arrangement for the child. These disruptions and discontinuities not only run counter to promoting the wellbeing of young children and their families, but also cause increased inefficiency and administrative expenses within the human service system. Multiple funding streams also create an excessive amount of paperwork for child care providers.

TABLE 4

COMPILATION OF COUNTIES BY 1985 TITLE XX ELIGIBILITY LEVELS

Maximum Income Eligibility Level (family of four)	Number of Counties	% of Children Under 18 in NYS	% of Children Under 5 in Poverty in NYS
$0(no program)	23	11.17%	8.0%
$0-14,000	11	6.6	4.0
$14,000-$20,000	11	31.4	16.4
$20,000 or over	12	14.2	9.6
$20,000-$29,935	NYC	37.7	62.0

Source: Lawrence J. White, "Smoothing the Notches," May, 1986. Based on data from the New York State Department of Social Services and Statewide Youth Advocacy.

The various child care funding streams have also been inconsistent in the amount of subsidy to parents and restrictions on the kind of care used. Comparing the Title XX and Title IV-A funding programs, for example, shows that while Title XX funding stipulates the use of regulated (State licensed or county certified) child care, allowances and disregards under Title IV-A can be used to pay for unregulated care. At the same time, while Title XX reimburses the child care provider up to $60 a week for center-based care outside New York City, federal regulations place a limit of $37.21 a week on most child care funded through Title IV-A.

The Commission finds it unacceptable that public funds are used to subsidize unregulated, illegal child care in a State that maintains day care licensing laws designed to protect children. Further, in most parts of the State it is very difficult to find quality child care, either center-based or in a family day care home, for $160 a month. Thus, public assistance recipients in particular are denied choice among a range of quality options. Child care subsidies should be increased to the market value of quality child care regardless of the funding source, and should be used only to fund child care provided by regulated programs.

E-3 RECOMMENDATION

The reimbursement rate determined by the State Department of Social Services and paid to child-care providers--both center-based and family day care--should be raised to reflect accurately the actual cost of care.

Discussion

At all seven public hearings sponsored by the Commission across the State, witnesses testified that current reimbursement rates do not cover actual costs and that, as a result, child care providers are increasingly unwilling to absorb the loss of income involved in serving subsidized children, even though these children may well be the most in need of quality care. The resulting gentrification of child care is of serious concern. A child care system that segregates children, forces them into unregulated care of unknown quality, or excludes them entirely cannot be tolerated.

Reimbursement rates across the State should be based on a careful yearly examination of the actual costs of providing quality child care. Actual costs should be reimbursed within an allowable range that reflects regional differences such as cost of living variables, and that allows for such higher costs as those incurred in providing care for infants and for children with special needs.

The State budget for FY 1986-87 directs the New York State Department of Social Services to "provide to the governor and the chairmen of the senate finance and assembly ways and means committees a

report that explains the basis for the existing regional differentials with regard to reimbursement for day care services and recommendations for and the fiscal impact of establishing additional regional cost of living differences. Such a report shall be submitted by September 1, 1986." [33] This is a useful first step.

E-4 RECOMMENDATION

A State Office of Child Care Services should be designated or established by Executive and Legislative mandate to oversee all child care operations in New York State.

This office--which would be modeled after the NYS Office for the Aging and the NYS Division of Criminal Justice Services--should be advised by a permanent body, namely a New York State Child Care Commission.

Further, it should be assisted in its work by the development of a community-based statewide network of local coordinating bodies in each county, reflecting the composition of the population served.

At the State Level:

The NYS Office of Child Care Services should be designated or established by Executive and Legislative order and be a permanent body in State government. It should have a permanent advisory body, the Child Care Commission, which will assist the office to define and carry out its mandate.

The office should be empowered to advise and assist the Governor in developing policies designed to help meet the needs of children and their families in New York State.

The office should have as its focus the coordination of child care and early childhood education programs. Some of its duties should be:

- to develop a statewide network of county-level coordinating bodies to feed back data to the State office and act as a resource for the office;
- to promote coordination and cooperation between different programs, and to fiscally sanction public agencies that do not comply;
- to develop and approve coordinated interagency legislative agenda related to child care among all State agencies that are now or should be involved in the provision of child care or early childhood programs, including the Department of Social Services, the State Education Department, the Division for Youth, the Department of Agriculture and Markets, and the Department of State;

- to plan, coordinate, and integrate services on the State and local levels;
- to define needs, based on data supplied by the local entities;
- to be involved in all allocations and appropriations of monies for child care;
- to review and approve all budgetary requests pertaining to child care before the State Budget is finalized;
- to foster and support studies, research, and education relating to problems of child care services for children;
- to systematically collect, analyze, and publish data on child care.

At the Local Level

The development of local coordinating bodies in each county will be a primary focus of the State Office of Child Care Services.

Such local bodies would have as their primary focus the bringing together of local Head Start, Pre-Kindergarten, nursery schools, family day care services, center care, local government officials, local funding sources and the private sector for the purpose of:

- developing and maintaining an updated statewide information/data base on all child care services, including gaps in services and areas of concern;
- assisting parents regarding the selection of appropriate child care;
- developing child care resources through work with employers, unions, schools, local governments, and current providers of child care;
- providing technical assistance to current and potential providers to increase supply and promote equality of services;
- coordinating and facilitating training for child care staff and family day care providers;
- ensuring that training for child care staff and family day care providers includes skills needed to effectively involve and communicate with parents;
- monitoring availability of up-to-date parent involvement guides for centers and policy statements for parents using centers, family day care, or group family day care homes;

- receiving grievances from consumers of care unable to receive satisfaction at the program level;
- receiving grievances from child care providers regarding actions of regulatory bodies, child care support services, or consumers;
- collect data on supply and demand;
- plan new services to meet gaps;
- maximize the use of public and private funding;
- maintain an on-going linkage with the State Office of Child Care Services to feed back the necessary data that may result in the establishment of new services, coordination of parent services, and legislation.

Discussion

There is currently no permanent structure for ensuring interagency planning and coordination of child care services. The multiple funding sources, regulatory standards and program goals and policies administered by at least twelve different agencies are uncoordinated and often contradictory. As a result of a lack of coordination at the State and local levels, resources are not necessarily targeted to meet the areas of greatest need, or the needs of children and their families. Families lack access to coordinated information on child care related services. There is no centralized source of integrated information on child care and early childhood services at the State or local levels. Providers that receive funds from multiple sources are faced with an excessive amount of paperwork to meet the requirements of the various government agencies. Conflicting codes, standards, policies, and eligibilities are hindering improving the supply of quality child care in the State, and denying parents and their children continuous access to appropriate and affordable care.[34]

Recognizing that these issues of coordination of child care services are critical, Governor Cuomo in January 1986 charged the NYS Council on Children and Families to "develop a plan for the improved coordination of State child care efforts."[35] In response to this charge, the Council has developed an Interagency Child Care Coordination group, which will issue recommendations to Governor Cuomo late in 1986. While this is an important effort, the Commission strongly encourages that permanent coordinating mechanisms be established, as detailed in this recommendation. According to information supplied to the Commission by 14 other states, eleven have developed or are developing procedures for interagency coordination with citizen input. Without these mechanisms, programs and policies will continue to be haphazard, inconsistent, and inefficient.

E-5 RECOMMENDATION

The mechanisms through which funding flows from public agencies to individual programs should be cost effective: that is, they should impose the least burden of paper work and administrative cost on parents, programs, and public agencies, consistent with the need for proper accountability and timely transmittal of funds. The Governor's Office for Child Care Services or whatever agency is designated or created to fulfill that role should systematically examine the various funding mechanisms now in use, and recommend those which best meet the above criteria.

Discussion

In New York City alone, there are currently at least four quite separate mechanisms for public funding of day care: "full" purchase of service, limited purchase of service, cash grant, and voucher. Further differences exist between New York City and most upstate counties, and among various counties. The establishment of new sources of funding, such as public education funding, is certain to cause a further proliferation of these mechanisms, and costly administrative burdens for both programs and public agencies.

Grants from some State agencies now often involve long delays--nine months to twelve months in the case of certain grants--that seriously undermine program planning and development. Grants from other government agencies (some federal grants, for instance) proceed much more quickly. A systematic comparison of the different funding mechanisms in use should make it possible to implement more rapid funding mechanisms that still fulfill the need for proper review and control. [See also Recommendation E-2, page 67, which would establish a uniform child care subsidy program, and Recommendation E-4, above, which would establish the Office of Child Care Services].

E-6 RECOMMENDATION

A funding stream through the State Education Department should fund a variety of early childhood education services, including Pre-Kindergarten, day care, and Head Start programs. The goal should be to allow preschool age children who need child care to receive it in a single setting, without shifting young children through several environments in the course of a single day, simply to accommodate different funding sources.

Discussion

Public education programs often form an important element in a family's child care arrangements. But the unsuitability of traditional school schedules to adult work schedules forces parents to piece together arrangements around the public school programs that are often

complicated, subject to disruption, and unsettling for young children.

In addition to allowing continuity of care for children, a funding stream that coordinates child care funds and public education early childhood funds through the State Education Department would also improve parental choices among a variety of options, allow diversity in communities to be reflected in early childhood programs, and build on existing program strengths.

E-7 RECOMMENDATION

Given regional differences throughout the State, an appropriate State agency should work with municipalities to assist them in developing plans whereby developers of new commercial or multi-unit residential buildings would be required to make a financial contribution to a local child care development fund which could be used for construction or space conversion for new child care services, or to include space for child care in the buildings under construction. Further, State and local public agencies should be asked to consider space for child care in any new construction or space conversion, with such space then made available at minimal cost to nonprofit providers of child care services. This recommendation addresses the need for additional space for child care, rather than direct child care services.

Discussion

This recommendation is modeled on ordinances in effect in San Francisco, Portland, Oregon, and other municipalities where space for child care or other human services is directly connected to commercial and residential development. While the Commission considered recommending a statewide mandate requiring contributions of space or money from developers, it was decided that technical assistance from a State agency would be more responsive to regional variations.

E-8 RECOMMENDATION

A revolving loan fund should be established at the State level to fund start-up of new child care programs, and grants should be provided for personnel to manage the development of new child care programs.

Discussion

A revolving loan fund would allow capital expenses for establishing child care programs to be available when needed. However, existing start-up funding is often limited to capital expenditures, without staff time paid for managing the planning and development phases before a program begins actual operation. The loan fund and grants would allow much-needed program development to improve child care supply. Some priority might be accorded to programs that will serve children under two

years old, given the special need for infant care.

E-9 RECOMMENDATION

The State should designate one central State agency systematically to collect, analyze, and publish data on child care.

Such data should include, but not be limited to, the following information about the need for, supply of, and utilization patterns of all types of child care programs:

- the demand for and supply of the various types of child care programs and services across the State
- patterns of use
- current and projected enrollments
- program costs and affordability
- funding sources and distribution
- employer participation
- eligibility policies and practices
- regulations and standards
- staff qualifications, training, supply, and compensation
- characteristics of children and families using various types of programs
- parent preferences and satisfaction
- demographic factors
- benefits to children, families, and society
- trends and patterns in the supply of and demand for child care programs

The data set should be carefully planned for compatibility with comparable data compiled by federal agencies and bureaus. The State should encourage and support efforts at the national level to develop a national child care data base. In addition, the State should conduct periodic supplemental household surveys within New York State.

The agency designated to be the central data base should not be a direct provider of child care/day care/early childhood education services, but should make the data available in a form that could be readily used by

policy planners, funders, provider agencies and organizations, and other interested parties. Priority should be given to the use of the data for collaborative planning efforts at both the State and local levels. Resource and referral agencies may be in the best position to coordinate data collection at the local level.

The state should ensure that the designated agency receive a level of funding adequate for the implementation of this recommendation on an on-going basis.

Discussion

The efforts of the Commission on Child Care, as noted in its 1985 Report to Governor Cuomo,[36] have been hampered by the lack of systematic data gathering and analysis related to child care. Currently, no comprehensive data base exists on either the State or National levels.[37] The State's Council on Children and Families and Departments of Labor and Commerce rely on nationally gathered data to describe employment patterns and labor force participation. In defining the need for child care in the State, the Census data require extensive extrapolation to determine the numbers of families in which all adults are unavailable to care for their children at a given point in time. To describe who needs child care, the accessibility and affordability of available care, and who uses what types of care, data must be pieced together from different, often not comparable sources, which often collect data at different points in time. There are also large numbers of children and/or types of care for which no data are available.

Specifically, data from national sources are limited by definitions used and by lack of integration between surveys. Generally, national surveys of child care draw a distinction between preschool child care and preschool education. The Current Population Survey gathers this information in two different supplements, one in June and the other in October. Questions concern only arrangements for the youngest child under 5 years, and only while the mother is working. Several important categories of information are thus excluded, such as arrangements for siblings who also need care, children in care whose mothers are not working outside the home, care for school-age children, and others.

A comprehensive definition of child care must be used, including a range of settings, auspices, and activities, and data should be collected for each child in the family. Because these surveys are necessarily expensive if they are to be valid, the State should work toward such a comprehensive national survey. However, until such time as the national survey is implemented, and periodically thereafter to supplement the national survey, the State should conduct a statewide household survey.

Data are not currently collected, analyzed, and published in ways that allow coordinated planning for child care among the 12 or more State agencies that are involved in the provision of child care services. Data about the "underground" or informal supply of child care are particularly

difficult to obtain. Household surveys and local child care resource and referral agencies provide the only access to this information. Comprehensive, coordinated services planning and program development cannot take place in the absence of this kind of information.

E-10 RECOMMENDATION

With respect to liability insurance for child care programs, the Commission continues to encourage the development of a liability insurance plan that will meet the needs of school-age programs, day care centers, family day care providers, part-day programs, and corporate boards of directors of child care programs.

The Commission recommends that:

- Further investigation, including a survey of child care programs, is necessary to document the particular problems programs are facing, and the variables affecting the availability and affordability of insurance.

- Provision should be made to develop an insurance program through the State Insurance Fund (similar to Worker's Compensation) that would deliver liability insurance to child care and other not-for-profit programs at an affordable price.

- The position of consumer advocate for insurance should be created within the Consumer Protection Board.

Discussion

A similar recommendation was contained in the Commission's First Year Report (1985). Testimony at the Commission's Albany Hearing and documentation from a variety of state and national sources indicate that the problems of securing affordable liability insurance have not diminished for child care programs in 1986. While the State Insurance Department has established a child care market assistance program to assist child care programs in finding companies who will write liability insurance for their programs, these policies are still extremely expensive. Increases of 300% in insurance premiums for a single year have been reported. The insurance crisis affects not only the supply of child care, but also affordability, as insurance costs are passed on to parents.

Child care programs have faced unwarranted increases in liability rates, and policy cancellations which are clearly unrelated to claims history. According to the NYS Insurance Department, the loss ratio for child care in the State in 1983, the most recent year for which data are available, was 25%. In contrast, the loss ratio was 256% for public schools, 266% for municipalities, and 772% for streets and roads in the same year.[38]

Several sections of the insurance legislation enacted in 1986 will improve access of child care providers to liability insurance. Provisions in the bill regarding flexible rating and regulation of mid-term cancellation and non-renewal will offer some protections against extreme variations in premiums and unjustified or arbitrary cancellation of policies. The legalization of group liability insurance will allow child care programs to organize groups similar to group health insurance. The experience of New York City public day care centers, insured centrally through the Agency for Child Development, suggests that group liability insurance will be less expensive than policies purchased by individual programs. The "Sunshine" provision of the bill will require insurance companies to provide detailed information on the costs of writing insurance for day care centers, officers and directors, and many other groups.

While this legislation represents progress in addressing the insurance problem, the provisions of this recommendation are necessary to address the critical affordability issue.

E-11 RECOMMENDATION

There should be a permanent advisory body in State government to monitor the implementation of the recommendations of the New York State Commission on Child Care.

Discussion

There are two essential basic roles for a permanent advisory body on child care that cannot be fulfilled by any existing body at the State level. One is to continue the oversight functions of the current Commission, and the other is to provide the critical linkage between those who set policy at the State level and those who are impacted by policy--families, child care providers, and the advocates and experts in the field. As the recommendations of the current Commission are implemented, these two basic functions will be essential to continual need and impact assessments. Without such an advisory body, no linkage between those developing policies and those impacted by policies would be ensured; problem identification would be limited; effective program development would be diminished; and impact assessment would be more difficult or absent from the program development and implementation processes. An advisory body that is representative of parents, providers, experts and advocates and that is not connected to State agencies administering child care programs can effectively monitor new and existing initiatives in child care.

Section III Notes

1. White, Lawrence J. "Smoothing the Notches," Unpublished manuscript prepared for the NYS Commission on Child Care, May, 1986.

2. New York State Department of Social Services, Overview of New York State Department of Social Services Role in Day Care, 1985.

3. Soloway, Ronald, Executive Director, Center for Public Advocacy Research, Memorandum to NYS Commission on Child Care Committee Chairs Molly Hardy and Georgia McMurray, April 28, 1986.

4. Schweinhart, Lawrence J., Early Childhood Development Programs in the Eighties: The National Picture, 1985.

5. Lamm, Sandra, Speaking Out About Child Care: A Report of Public Hearings Conducted by the New York State Commission on Child Care, 1986.

6. New York State Council on Children and Families, Setting Directions: Initial Report of the Governor's Task Force on Adolescent Pregnancy, 1985.

7. New York State Council on Children and Families, Moving Forward: Next Steps, Second Report of the Governor's Task Force on Adolescent Pregnancy, 1986.

8. Testimony of Central New York Council on Adolescent Pregnancy, Inc., at public hearing of New York State Commission on Child Care, Syracuse, September 19, 1985.

9. New York State Assembly Task Force on Women's Issues and New York State Assembly Committee on Children and Families, Family Day Care: An Issue of Critical Importance, 1986;
New York State Department of Social Services, Final Report on the Group Family Day Care Demonstration Project, 1985;
Norlander, Karen, Casting a Blind Eye: Regulation of Family Day Care in New York State, 1986.

10. Kessner, Fred, Director, Codes Bureau, Letter to NYS Commission on Child Care regarding Division of Housing and Community Renewal Commissioner's Interpretation #161, March 26, 1986.

11. Norlander, Karen, Op. Cit.

12. New York State Department of Social Services, New York State School Aged Child Care Request for Proposals, 1986.

13. New York State Department of Social Services, Day Care Licensing Regulations, 1980, page 21.

14. Ross, Virginia P., et al, A Handbook for Child Day Care Directors, 1984.

15. United States Department of Health and Human Services, Head Start Performance Standards, 1981.

16. Centers for Disease Control, "Education and Foster Care of Children with HTLV-III/LAV Virus," August 30, 1985; and New York State Department of Health, "Guidelines for the Education and Day Care of Children Infected with HTLV-III/LAV Virus," September, 1985.

17. Fein, Greta H., Infant Day Care and the Family: Regulatory Strategies to Ensure Parent Participation, 1976.

18. Kamerman, Sheila, Discussion with NYS Commission on Child Care Employer Responsibility Committee, April 29, 1986.

19. Ibid.

20. Zigler, Edward, and Munchow, Susan, "Infant Day Care and Infant Care Leave: A Policy Vacuum," January, 1983.

21. Zinsser, Caroline, A Study of New York Day Care Worker Salaries and Benefits, 1986.

22. The existing New York City reimbursement rate includes all recommended benefits except retirement.

23. National Association for the Education of Young Children, Position Statement on Nomenclature, Salaries, Benefits and the Status of the Early Childhood Profession, 1984.

24. Zinsser, Caroline, Op. Cit.

25. National Association for the Education of Young Children, Accreditation Criteria and Procedures of the National Academy of Early Childhood Programs, 1984.

26. Support for recommendations in this section is drawn, in part, from Employers and Child Care in New York State: A Survey Prepared for the New York State Commission on Child Care (in press), a report from a statewide survey of employers in the state conducted in the spring of 1986 by the Commission on Child Care with the cooperation and assistance of the New York State Department of Commerce.

27. Friedman, Dana, Encouraging Employer Supports to Working Parents, 1983.

28. Burud, Sandra L.; Aschbacher, Pamela R.; and McCroskey, Jacquelyn, Employer Supported Child Care: Investing in Human Resources, 1984; Magid, Renee Y., Child Care Initiatives for Working Parents: Why Employers Get Involved, 1983; Perry, Katherine Senn, Employers and Child Care: Establishing Services at the Workplace, 1982.

29. Emlen, Arthur C. et al, Community Shares: Corporate Financing of a Child Care Information Service, 1985.

30. Ibid.

31. See pages 4-8 (Section II) for discussion and tables listing child care need and supply data.

32. Soloway, Ronald, Op. Cit.

33. State of New York, State Operations Budget, January 15, 1986, page 336.

34. For a fuller discussion of these issues, see, for example, Norlander (1986) and Lamm (1986).

35. Cuomo, Mario M., Governor, Message to the Legislature, January 8, 1986, page 66.

36. New York State Commission on Child Care, First Year Report to the Governor, 1985.

37. Papageoriou, Mary R., The National Preschool Data Base, 1985.

38. New York State Insurance Department, Telephone conversation with NYS Commission on Child Care, May 23, 1986.

IV. LOOKING AHEAD

The issues of child care are extremely complex and interrelated. During the course of its investigations and deliberations, the Commission on Child Care has asked--and been asked--hard questions about child care in New York State. It has been our intent in this report to provide the straightforward answers that hard questions so rightfully deserve.

The recommendations developed by the Commission and contained in this report call for sweeping changes or modifications in existing child care regulations, systems, and services, as well as a number of new initiatives.

There is much to be done. The Commission is well aware that responding to the critical need for available, affordable, accessible, quality child care in the State will require systematic implementation of the Commission's recommendations and concerted efforts on the part of policymakers, legislators, regulatory and funding agencies, service providers, parents, and employers.

The goals--to enhance the well-being of children and families across the State and to reinforce the importance of the relationship between child care and a healthy economy--are of overriding concern.

As the State and its citizenry move toward the accomplishment of these goals, the members of the Commission on Child Care stand ready to be of service.

V. GLOSSARY OF TERMS

Child Care

For its purposes, the Commission defines "child care" as care for a child, birth to 14 years of age, provided on a regular basis by a person or persons other than the child's immediate family for less than 24 hours a day.

This definition includes a variety of child care services, such as day care centers, family day care homes, in-home care by non-relatives, nursery schools, Head Start, pre-kindergarten, and school-age child care programs.

Child Care Council

A locally-based organization that brings together persons within a community or county who are involved with or have an interest in child care services in order to coordinate resources, stimulate local initiatives in assessing and meeting child care needs, and advocate for children and services to children. Many child care councils also provide resource and referral services, recruit and train child care providers, and sponsor cooperative buying and lending projects for parents and providers.

In New York State, most child care councils are affiliated with the New York State Child Care Coordinating Council, a private not-for-profit organization of local child care councils and related agencies.

[See also Child Care Resource and Referral]

Child Care Resource and Referral (CCR&R)

A child care resource and referral agency (CCR&R), also often functioning as a child care council, is a community-based organization, most often a private not-for-profit corporation funded through public and private sources. While specific programs and services vary, a CCR&R generally provides these basic services:

1. information and referral for parents seeking child care for their children;
2. support services, training and technical assistance to providers of child care;and
3. child care service planning, development and coordination within the community, based on assessment of need.

[See also Child Care Council]

CDA (Child Development Associate) Credentialing System

A nationally-recognized competency-based assessment program for child care providers. Persons who receive a CDA credential have demonstrated specific skills in working with young children and their families. The CDA credential can be obtained in three settings: Center-based, Family Day Care, and Home Visitor, and is not necessarily related to years of schooling or a degree. The National CDA Credentialing System is a subsidiary of the National Association for the Education of Young Children (NAEYC).

Day Care Center

Provides group care in a non-residential setting for children away from their own homes for all or part of a day. Most centers enroll three- to five-year-olds; a growing number also offer care for infants, toddlers, and school-age children.

Day care centers that enroll more than three children for more than three hours a day must be licensed by the Department of Health in New York City and by the State Department of Social Services in the rest of the State. Day care centers must comply with specific requirements for facility, health, safety, staffing, and educational program.

Day Care for the Working Poor

A special New York State day care allocation initiated in FY 1985 to provide subsidies to low-income working families who previously had no access to financial assistance. Counties with no income eligible (Title XX) day care, or with very low eligibility standards, can apply for increased State funding to allow eligibility for families earning up to 125% of the federal poverty level. (FY 86 legislation allows waivers for eligibility up to 175% of the poverty level on a county-by-county basis.) A 12-1/2% local match is required, which can be public or private money, including parent fees.

Economic Development Zones

Legislation signed into law on August 1, 1986, will concentrate incentives, financing and job training in economically distressed areas to improve business and job opportunities. Among the incentives the State will grant in designated areas are a utility tax credit, employer's tax credit on wages, a 10% investment tax credit, a tax credit for those investing in an economic development zone, and a refund of State sales tax paid on the purchase of building materials used to build or expand business property within a zone. The State will create up to forty zones, a maximum of ten during the first 18 months and thirty during the subsequent six years.

Empire State Day Care Services

NYS Labor/Management funds administered through the Governor's Office of Employee Relations provide one-time start-up money for day care centers at State worksites, including some units of the State University (SUNY) system.

Once operational, the centers are self-sustaining, although the State continues to provide space, maintenance, and utilities at each site. Technical assistance and administrative oversight are provided by Empire State Day Care Services, Inc.

Employer-supported Child Care

Child care provided by or subsidized by an employer for employees. Care may be in a day care center at or near the worksite, purchased by the employer in one or more community day care centers or family day care homes, or provided for employees in the form of vouchers or discounts.

Employer-supported child care can also take the form of donations and contributions to child care programs, support for community child care councils, resource and referral services, family-oriented personnel policies, and flexible benefits plans.

Family Day Care

Care provided in the caregiver's home for less than 24 hours a day and more than five hours a week. Most family day care providers accept children from infancy through school-age; some limit enrollment to specific age groups. A high quality family day care home will provide many of the services offered by a day care center, but in a home setting.

In New York City, family day care homes providing care for five privately-funded children may voluntarily be licensed by the New York City Department of Health (NYCDOH). NYCDOH limits care for infants to one or two per family day care home, and any home caring for infants must be licensed. Publicly-funded family day care homes in New York City that care for three to six children must meet requirements of the State Department of Social Services and be licensed by the City Agency for Child Development or by authorized child care agencies.

In the balance of the State, family day care homes that care for three to six preschool children and two additional school-age children must meet licensing regulations of the State Department of Social Services. Private (non-publicly funded) family day care homes are licensed by regional offices of the State Department of Social Services; publicly-funded family day care homes are licensed by local departments of social services or authorized child care agencies.

[See also Group Family Day Care]

Group Family Day Care

Group family day care is a middle ground between family day care and day care centers. Care is provided in a home by two adults for up to twelve children if none are under two years old, or up to ten children of all ages with up to four children under two years of age; two additional school-age children may be cared for before and after school hours. Effective January 1, 1987, group family day care becomes a permanent licensing option in New York State.

Group family day care homes are licensed by regional offices of the New York State Department of Social Services and must meet Department licensing standards.

Head Start

Federally-funded program for three- to five-year-olds from low-income families. Offers a comprehensive child development program, including health, nutrition, education, and social services. Parent involvement is an integral part of the program. Head Start programs can be part-day, full-day, or home-based; they usually follow a school-year schedule.

Head Start centers in New York State are expected to meet the day care licensing requirements established by the State Department of Social Services.

In-Home Care

Full- or part-day care provided by an adult (sometimes a relative) in the child's own home. If the care is on a regular-paid basis, the caregiver is considered an employee and is entitled to minimum wage and certain other benefits.

Job Training Partnership Act (JTPA)

The JTPA is the primary federally funded training and placement program for the nation's disadvantaged and unemployed people. Training programs are designed and operated on the local level through a partnership of local businesses, government and education agencies, labor unions and community based organizations. This partnership functions through a Private Industry Council with the business sector having the majority membership. In New York State Private Industry Councils exist in each of 34 Service Delivery Areas. Information on existing JTPA programs is available from the local Social Service office and the local Department of Labor Job Service office. Some of the programs offer basic skills education; others offer onthejob training in private businesses. Some transportation and child care stipends are available.

Migrant Child Care

State and federally-funded program provides full-day care for children of migrant parents employed in agriculture in New York State. Most centers are open only during peak agricultural seasons. Developmental program includes education, health, nutrition and parent involvement.

In New York State, the program is administered by the NYS Department of Agriculture and Markets.

NAEYC Accreditation Program

The National Academy of Early Childhood Programs, a division of the National Association for the Education of Young Children (NAEYC), administers a national voluntary accreditation program for high quality early childhood centers and schools. The Academy has developed a set of comprehensive standards for child care programs, and the accreditation program measures applicants against these criteria.

New York State Experimental Pre-K

State-funded public school prekindergarten program for three- and four-year-olds from low socioeconomic areas. Provides comprehensive health and social services, parent involvement, and developmental program. Pre-K programs are usually part-day and follow a school schedule.

Nursery School

Provides social and educational programs for three- to five-year-olds. Nursery schools operate for less than three hours a session, two to five times a week, and often follow a school-year schedule. Some nursery schools emphasize a particular philosophy (e.g., Montessori, Waldorf).

Nursery schools may voluntarily register with the New York State Education Department, which sets guidelines for facility, staff, and program.

Nursery School Cooperative

Part-day program like other nursery schools, but requires parent participation to administer the school and to assist professional teachers in the classrooms.

Poverty Level

Federal poverty income guidelines are revised yearly by the United States Department of Health and Human Services. These guidelines are used as eligibility criteria for many federal and State programs.

The 1986 poverty income guidelines are as follows:

Size of Family Unit	Poverty Income Guideline
1	$5,360
2	7,240
3	9,120
4	11,000
5	12,880
6	14,760
7	16,640
8	18,520

For family units with more than 8 members, add $1,880 for each additional member.

Preschool

A generic term often used to describe child care programs for three- to five-year-olds, such as nursery schools, developmental day care programs, pre-kindergarten and kindergarten.

Public Spaces Program

The Urban Development Corporation of New York State (UDC) financing of large-scale economic development projects includes a unique feature, the Public Spaces Program, which channels Sales Tax Equivalency Payments to "public space improvements, generally in the vicinity of the UDC development" (UDC Guidelines). This program currently funds public open spaces or facilities, such as parks, subway stations, playgrounds, etc., and cannot at present be used for social service facilities.

School-Age Child Care

Provides supervision and planned recreational activities for school-age children in the hours before- and after-school and at times when school is not in session. School-age child care may be offered by day care centers, family day care homes, public schools, youth recreation groups (Y's, boys clubs, girls clubs, youth camps, parks and recreation departments), and other community groups.

Temporary Disability Insurance (TDI)

Disability Benefits are temporary cash benefits payable to an eligible wage earner who is disabled by an off-the-job injury or illness. Supplementing the Worker's Compensation Law, the Disability Benefits Law insures protection for wage earners by providing for weekly cash benefits to replace, in part, wages lost because of injuries or illnesses that do not arise out of and in the course of employment. Cash benefits are 50 percent of the average weekly wage, up to $145 for disabilities commencing on July 1, 1984 and thereafter. Benefit rights begin on the eighth consecutive day of

disability, and are payable for a maximum of 26 weeks of disability. Under the Disability Benefits Law, pregnancy and childbirth are treated as illnesses.

Title IV-A of the Social Security Act

This title provides child care allowances or earnings disregards for recipients of Aid to Families with Dependent Children (AFDC). Federal Financial Participation is 50%, with 25% of the remainder of the cost of services paid with State tax dollars and the other 25% coming from local tax dollars. Day care is mandated for AFDC recipients who are working, in approved vocational training, ill or incapacitated.

The federal Omnibus Budget Reconciliation Act of 1981 established a ceiling for full-time day care services at $160 per month for recipients whose child care expenses are treated as income disregards. Many counties apply this cap to all AFDC recipients.

Title XX of the Social Security Act (Social Services Block Grant)

Social Service Block Grants are federal grants to the States used to fund a wide range of social services. Beginning with the Omnibus Budget Reconciliation of 1981, the federal government has not specified how states spend their Title XX grants. The Federal Financial Participation is 75%, which means that 75% of the cost of providing the services can be charged to the federal grant; in New York State the remaining 25% of costs are evenly divided between State and county public tax levy dollars. Under State guidelines, day care is mandated only for child protection and/or prevention if indicated. Local districts (counties) establish income eligibility for child care (up to 115% of the State Median Income) for non-mandated child care services.

There is no income eligibility requirement for protective/preventive services for children and adults, for family planning and for information and referral. A ceiling is placed on Title XX allocations to the States, and the funding is not exempt from Gramm-Rudman-Hollings deficit reduction legislation.

Uniform Fire Prevention and Building Code

Responsibility for the code is vested in the 17-member State Fire Prevention and Building Code Council, appointed by the Governor and headed by the Commissioner of Housing and Community Renewal. The Division of Housing and Community Renewal administers the statewide Uniform Fire Prevention and Building Code and serves as the technical arm of the Codes Council. The Uniform Code is mandatory throughout the State, unless local governments show the local code to be more stringent than the State code.

WIN Demonstration (Title IV-C of the Social Security Act)

Several urban New York State counties have Work Incentive Programs (WIN Demo) for training and education of Aid to Families with Dependent Children recipients. The Federal Financial Participation is 90% (matched by 5% State and 5% local tax dollars), and child care is an optional service.

VI. RESOURCES AND SELECTED REFERENCES

Alba, Richard D. and Trent, Katherine. New York State Project 2000: Report on Population. Albany, NY: Nelson A. Rockefeller Institute of Government, 1986.

American Academy of Pediatrics. Recommendations for Day Care Centers for Infants and Children. Evanston, Ill.: Author, 1985.

Bedard, Judith. Review of Child Care Programs and Policies in Other States. Albany, NY: NYS Commission on Child Care, 1986.

Berrueta-Clement, John R.; Schweinert, Lawrence J.; Barnett, W. Steven; Epstein, Ann S.; and Weikert, David P. Changed Lives: The Effects of the Perry Preschool Program on Youths Through Age 19. Ypsilanti, Mich.: High/Scope Educational Research Foundation, 1984.

Blank, Helen. Child Care: Whose Priority? A State Child Care Fact Book. Washington, DC: Children's Defense Fund, 1985.

Bronfenbrenner, Urie. A Report on Longitudinal Evaluations of Preschool Programs: Vol.2. Is Early Intervention Effective? Washington, DC: Office of Child Development, 1974.

Bronfenbrenner, Urie. The Ecology of Human Development. Cambridge, MA: Harvard University Press, 1979.

Burud, Sandra L.; Aschbacher, Pamela R.; and McCroskey, Jacquelyn. Employer Supported Child Care: Investing in Human Resources. Boston, MA: Auburn House, 1984.

Caldwell, Bettye M. "How Can We Educate the American Public About the Child Care Profession?" Young Children 38: 11-17.

Catalyst. Preliminary Report on a Nationwide Survey of Maternity/Paternity Leaves. New York, NY: Author, 1984.

CDA National Credentialing Program. CDA Competency Standards and Assessment System. Washington, DC: National Association for the Education of Young Children, 1983.

Centers for Disease Control. "Education and Foster Care of Children With HTLV-III/LAV Virus" Morbidity and Mortality Weekly Report. (Vol. 34, Number 34), Atlanta ,GA: Author, August 30, 1985.

Centers for Disease Control. Stop Disease in Day Care Centers. Washington, DC: U.S. Government Printing Office, 1984.

Child Welfare League of America. Paper Review of Standards Pertaining to Child Day Care in New York City. New York, NY: Author, 1985.

Children's Defense Fund. Black and White Children in America: Key Facts. Washington, DC: Author, 1985.

The Children's Foundation. "Family Day Care Provider's Wages: Woefully Inadequate." family day care bulletin. Washington, DC: Author, June 1986.

City of New York Department of Health, Bureau of Child Health, Division of Day Care. Excerpt from the New York City Health Code. New York, NY: Author, amended to October, 1984.

City of New York, Early Childhood Education Commission. Take a Giant Step: An Equal Start in Education for All New York City Four-Year-Olds. New York, NY: Author, 1986.

Cuomo, Mario M., Governor. Message to the Legislature. Albany, NY: January 8, 1986

Consortium for Longitudinal Studies. As the Twig is Bent...Lasting Effects of Preschool Programs. Hillsdale, NJ: Lawrence Erlbaum Associates, 1983.

Deutsch, Martin; Jordon, Theresa J.; and Deutsch, Cynthia P. Long Term Effects of Early Intervention: Summary of Selected Findings. Mimeo. New York, NY: New York University Institute for Developmental Studies, 1985.

Elkind, David. A Sympathetic Understanding of the Child Birth to Sixteen. Boston, MA: Allyn and Bacon, 1974.

Elkind, David. "Formal Education and Early Childhood Education: An Essential Difference." Phi Delta Kappan, May 1986.

Emlen, Arthur C.; Kushmuk, James; Koren, Paul E.; and Faught, Leslie. Community Shares: Corporate Financing of a Child Care Information Service. Washington, DC: Department of Health and Human Services, 1985.

Fein, Greta G., and Clarke-Stewart, Allison, Day Care in Context. New York, NY: John Wiley and Sons, 1973.

Fein, Greta G., Infant Day Care and the Family: Regulatory Strategies to Ensure Parent Participation. Report prepared for the Office of the Assistant Secretary for Planning and Evaluation. Washington, DC: Department of Health, Education and Welfare, 1976.

Friedman, Dana. Encouraging Employer-Supports to Working Parents. New York, NY: Carnegie Corporation of New York, 1983.

Governor's Advisory Commission on Liability Insurance. Insuring Our Future. Albany, NY: Author, 1986.

Greene, Jennifer, and Whitmore, Bessa. An Evaluation of the Day Care and Child Development Council's Information and Referral Service: Synthesis of Findings and Recommendations. Ithaca, NY: Cornell University, 1986.

Gunzenhauser, Nina, and Caldwell, Bettye M. (Eds.) Group Care for Young Children: Considerations for Child Care and Health Professionals, Public Policy Makers, and Parents. Johnson and Johnson Baby Products (Pediatric Round Table: 12), 1986.

Hatch, Rebecca. School-Age Child Care in New York State: Cooperative Strategies for Solving the Problem of Latchkey Children. Albany, NY: NYS Council on Children and Families, 1983.

Hayes, Cheryl D.(Ed.) Making Policies for Children : A Study of the Federal Process. Washington, DC: National Academy Press, 1982.

Honig, Alice S. Parent Involvement in Early Childhood Education. Washington, DC: National Association for the Education of Young Children, 1979.

Kamerman, Sheila B. "Child Care in the U.S.: Since the Need is Well-Documented, What Next?" Testimony Presented to the U.S. House of Representatives, Select Committee on Children, Youth, and Families. Washington, DC: April 4, 1984.

Kamerman, Sheila B. Discussion with the NYS Commission on Child Care Committee on Employer Responsibility, April 29, 1986.

Kappner, Augusta. Discussion of Research on Family Day Care in New York City, presented for the NYS Commission on Child Care Committee on Funding Sources and Service Supply, April 8, 1986.

Kessner, Fred L., Director, Codes Bureau, NYS Division of Housing and Community Renewal. Information concerning interpretation of the NYS Uniform Fire Prevention and Building Code regarding private residences used for family day care, provided to the NYS Commission on Child Care, March 1986.

Lamm, Sandra. Speaking Out About Child Care: A Report of Public Hearings Conducted by the NYS Commission on Child Care. Albany, NY: NYS Commission on Child Care, 1986.

Lazar, Irving, and Darlington, Richard. Lasting Effects of Early Education: A Report from the Consortium for Longitudinal Studies. Monographs of the Society for Research in Child Development (47), 1979.

Leeds, Stephen; Saenger, Elizabeth; Tenser, Mindy; and Vogelfanger, M. A Survey to Assess the Potential for Employer-Supported Child Care Services in New York City. (Prepared for the NYC Human Resources Administration, Agency for Child Development) New York, NY: Lieberman Research, 1985.

Leon, Mabel. School-Age Child Care: A Continuing Series of Technical Assistance Papers. Albany, NY: NYS Council on Children and Families, 1986.

Lindner, Eileen W.; Mattis, Mary C.; and Rogers, June R. When Churches Mind the Children: A Study of Day Care in Local Parishes. Ypsilanti, MI: High/Scope Press, 1983.

Magid, Renee, Y. Child Care Initiatives for Working Parents: Why Employers Get Involved. New York, NY: American Management Association, 1983.

McMurray, Georgia and Kazanjian, Dolores. Day Care and the Working Poor: The Struggle for Self-Sufficiency. New York, NY: Community Service Society of New York, 1982.

Mitchell, George A. (Ed.) The New York Redbook. Albany, NY: Williams Press, 1983-84.

National Association for the Education of Young Children. Accreditation Criteria and Procedures of the National Academy of Early Childhood Programs. Washington, DC: Author, 1984.

National Association for the Education of Young Children. Position Statement on Nomenclature, Salaries, Benefits, and the Status of the Early Childhood Profession. Washington, DC: Author, 1984.

NYC CLUW Child Care Committee. Bargaining for Child Care: Contract Language for Union Parents. New York, NY: Coalition of Labor Union Women, 1985.

New York City Family Day Care Task Force. Recommendations for a Coordinated System to Monitor, Train and Provide Support Services to Independent Family Day Care Providers. New York, NY: Author, 1985.

New York State Assembly Task Force on Women's Issues and New York State Assembly Committee on Children and Families. Family Day Care: An Issue of Critical Importance. Albany, NY: Authors, 1986.

New York State Child Care Coordinating Council and Statewide Youth Advocacy. Where Have All the Children Gone? A Study of Day Care Cuts in New York State. Rochester, NY: Authors, 1983

New York State Commission on Child Care. First Year Report to the Governor. Albany, NY: Author, 1985.

New York State Commission on Child Care, Employers and Child Care in New York State: A Survey Prepared for the New York State Commission on Child Care. Albany, NY: Author, (in press, 1986)

New York State Council on Children and Families. "A Profile of Families." Trends: A Statistical Bulletin on the Status of Children and Families in New York State. (Volume 2, No. 1) Albany, NY: Author, January 1985.

New York State Council on Children and Families. Moving Forward: Next Steps (Second Report of the Governor's Task Force on Adolescent Pregnancy). Albany, NY: Author, 1986.

New York State Council on Children and Families. Setting Directions: Initial Report of the Governor's Task Force on Adolescent Pregnancy. Albany, NY: Author, 1985.

New York State Department of Health. "Guidelines for the Education and Day Care of Children Infected With HTLV-III/LAV Virus." Albany, NY: Author, September 1985.

New York State Department of Social Services. Day Care Center Licensing Regulations. Albany, NY: Author, 1980.

New York State Department of Social Services. Family Day Care Homes: Regulations and Guidelines. Albany, NY: Author, 1983.

New York State Department of Social Services. Final Report on the Group Family Day Care Demonstration Project. Albany, NY: Author, 1985.

New York State Department of Social Services. Guidelines: Group Family Day Care Demonstration Homes. Albany, NY: Author

New York State Department of Social Services. Memorandum re: California Regulations-Large Family Day Care Homes, February 28, 1986.

New York State Department of Social Services. New York State School Aged Child Care Request for Proposals. Albany, NY: Author, 1986.

New York State Department of Social Services. Overview of the New York State Department of Social Services Role in Day Care. Albany, NY: Author, 1985.

New York State Department of Social Services. Who Cares for Your Children? A Parent's Guide to Day Care. Albany, NY: Author, 1986.

New York State Education Department Bureau of Child Development and Parent Education. A Good Day for Young Children: The Early Childhood Education Program. Albany, NY: Author, 1982.

New York State Education Department Bureau of Child Development and Parent Education. 1985-86 Guidelines for New York State Experimental PreKindergarten Program. Albany, NY: Author.

New York State Education Department Bureau of Child Development and Parent Education. "PreKindergarten Improves Pupil's Performance Throughout the Elementary Grades" Mimeo. Albany, NY: Author, March 1986.

New York State Education Department Bureau of School Registration. Regulations for Voluntary Registration of Nonpublic Nursery Schools and Kindergartens. Albany, NY: Author, amended to 1980.

New York State Job Training Partnership Council. New York State Plan for Coordination and Special Services under the Job Training Partnership Act. Albany, NY: Author, 1986.

Norlander, Karen. Casting A Blind Eye: Regulation of Family Day Care in New York State. New York, NY: Child Care, Inc., 1986.

Papageorgiou, Mary R. The National Preschool Data Base. (Position Paper Prepared for the National Preschool Data Base Planning Conference). Washington, DC: Center for Statistics, 1985.

Perry, Katherine Senn. Employers and Child Care: Establishing Services at the Workplace. Washington, DC: Women's Bureau, U.S. Department of Labor, U.S. Government Printing Office, 1982.

Reisman, Barbara. "Underground Child Care." Unpublished document prepared for NYS Commission on Child Care. May, 1986.

Ross, Virginia P.; Katz, Theodore M.; Dalia, Margaret A.; in collaboration with Bartlette, Alfred V., MD; and Hadler, Stephen C., MD. A Handbook for Child Day Care Directors. Atlanta, GA: U.S. Department of Health and Human Services, Office of Public Health, Center for Disease Control, 1984.

Ruopp, Richard; Travers, Jeffrey; et al. Children at the Center: Final Report of the National Day Care Study. Washington, DC: Department of Health, Education, and Welfare, 1979.

Schweinhart, Lawrence J. Early Childhood Development Programs in the Eighties: the National Picture. Ypsilanti, Mich.: High/Scope Educational Research Foundation (Early Childhood Policy Papers, No.1), 1985.

Seligson, Michelle; Genser, Andrea; Gannett, Ellen; and Gray, Wendy. School-Age Child Care: A Policy Report, Wellesley, MA: School-Age Child Care Project, 1983.

Shaffer, Gail S. Manual for the Use of the Legislature of the State of New York. Albany, NY: NYS Department of State, 1984-85.

Social Development Planning Commission. Summary and Recommendations: A Program for Early Childhood Services in New York State. Albany, NY: Author, 1970.

Soloway, Ronald. Memo to NYS Commission on Child Care Committee Chairs Molly Hardy and Georgia McMurray, April 28, 1986.

Spedding, Polly. The Child Care Notebook. Ithaca, NY: Cornell Cooperative Extension, 1982.

Spedding, Polly. Choosing Child Care for Infants and Toddlers. Ithaca, NY: Cornell Cooperative Extension, 1984.

Spedding, Polly. Let's Talk About Child Care. Ithaca, NY: Cornell Cooperative Extension, 1984.

State of New York. State Operations Budget. January 15, 1986.

Statewide Youth Advocacy. Shattered Lives: A Portrait of New York's Children and County by County: Basic Data on New York State's Children (Statistical supplement to Shattered Lives). Rochester, NY: Author, 1986.

Treadwell, Lujana W. Zoning Laws and Family Day Care. San Francisco, CA: Bay Area Child Law Project, 1981.

U.S. Bureau of National Affairs. "Flextime, Furloughs, Day Care Mark N.Y. Resource Management." Government Employee Relations Report reprinted in Office of Employee Relations News. Albany, NY: NYS Governor's Office of Employee Relations, November 1985.

U.S. Congress, House of Representatives Select Committee on Children, Youth, and Families. Families and Child Care: Improving the Options. Washington, DC: Author, 1984.

United States Department of Commerce, Bureau of the Census. Trends in Child Care Arrangements of Working Mothers (Current Population Reports, Series p-23, No. 117). Washington, DC: U.S. Government Printing Office, 1982.

United States Department of Health and Human Services. Head Start in the 1980's: Review and Recommendations. Washington, DC: Author, 1980.

United States Department of Health and Human Services. Head Start Performance Standards. Washington, DC: Author, 1981.

United States Department of Health and Human Services, Administration for Children, Youth and Families, Project Head Start Fact Sheet: New York, 1984 and Project Head Start Fact Sheet: New York, 1985. Washington, DC: Author, 1984 and 1985.

White, Lawrence J. "Smoothing the Notches," unpublished manuscript prepared for the NYS Commission on Child Care. New York, NY: New York University Graduate School of Business, May 1986.

Work/Family Directions. A Guide to Child Care Regulation in New York State. Boston, MA: Author, 1984.

Yago, Glenn; Seifert, Charlene S.; Fischer, Diane M.; and Wu, Sen-Yuan. New York State Project 2000: Report on Economic Development. Albany, NY: Nelson A. Rockefeller Institute of Government, 1986.

Yale Bush Center Advisory Committee on Infant Care Leave. "Yale Bush's Infant Care Leave Project." BusinessLink, Spring 1986.

Zigler, Edward F., and Gordon, Edmund W. (Eds). Day Care: Scientific and Social Policy Issues. Boston, MA: Auburn House, 1982.

Zigler, Edward and Munchow, Susan. "Infant Day Care and Infant Care Leave: A Policy Vacuum." American Psychologist, Vol. 38, No. 1.,pp. 91-94. January, 1983.

Zinsser, Caroline. A Study of New York Day Care Worker Salaries and Benefits, New York, NY: Center for Public Advocacy Research, 1986.

APPENDIX A

STATE OF NEW YORK

S. 2267--C A. 3056--C

1985-1986 Regular Sessions

SENATE—ASSEMBLY

February 11, 1985

IN SENATE -- Introduced by Sens. GOODHUE, BRUNO, DALY, DUNNE, FARLEY, FLYNN, KEHOE, LACK, LAVALLE, E. LEVY, N. LEVY, LOMBARDI, MASIELLO, MONTGOMERY, ROLISON, SKELOS, STAFFORD, TRUNZO, TULLY -- read twice and ordered printed, and when printed to be committed to the Committee on Child Care -- reported favorably from said committee and committed to the Committee on Finance -- recommitted to the Committee on Finance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. NADLER, NEWBURGER, HOYT, JACOBS -- Multi-Sponsored by -- M. of A. BENNETT, BIANCHI, BRAGMAN, BRENNAN, CATAPANO, COLMAN, CONNERS, CONNOR, COOKE, DANIELS, DEARIE, DIAZ, DUGAN, ENGEL, EVE, FARRELL, FRISA, GAFFNEY, GOTTFRIED, GRANNIS, GREENE, GRIFFITH, HALPIN, HARENBERG, HEVESI, KOPPELL, LAFAYETTE, LASHER, LEIBELL, LIPSCHUTZ, MacNEIL, MARSHALL, MAYERSOHN, McCANN, McPHILLIPS, M.H. MILLER, MURTAUGH, NOLAN, PASSANNANTE, PATAKI, PATTON, PROUD, RIVERA, SANDERS, SCHIMMINGER, SEABROOK, SERRANO, SILVER, SPANO, TEDISCO, WALDON, WARREN, WEINSTEIN, YEVOLI, YOUNG -- read once and referred to the Committee on Children and Families -- recommitted to the Committee on Children and Families in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD00439-09-6

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AN ACT to amend the social services law, in relation to creating a program of child care resource and referral

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article six of the social services law is amended by adding a new title five-B to read as follows:

TITLE 5-B

CHILD CARE RESOURCE AND REFERRAL PROGRAM

Section 410-p. Child care resource and referral program; creation.
410-q. Child care resource and referral program; functions.

§ 410-p. Child care resource and referral program; creation. In accordance with the provisions of section four hundred ten-q of this title and where federal funds are available to the state for the purposes of such section, the commissioner shall administer child care resource and referral programs. This shall be provided through the purchase of such services from local non-profit agencies where they are available whose primary function is to provide services as prescribed in this chapter. In the absence of a non-profit non-governmental agency, a contract may be made with the local youth board or youth bureau. The commissioner shall authorize the local social services official (in this section meaning the commissioner of human resources administration for the city of New York and the county commissioner of social services in the case of any county outside such city) to make such contracts. In counties outside the city of New York, there shall be only one contract per county provided, however, that upstate counties may combine to use one agency.

§ 410-q. Child care resource and referral program; functions. For purposes of this title, child care resource and referral programs, established in a definite geographic area, shall provide the following services:

1. Identification of the full range of existing child care services through information provided by all relevant public and private agencies in the areas of service, and developing a resource file of such services which shall be maintained and updated on at least a quarterly basis. These services shall include, but not be limited to, family day care homes; public and private day care programs; full and part-time programs; licensed day care centers; infant, preschool and extended care programs.

2. The resource file shall include, but not be limited to the following information:

(a) Type of program.

(b) Hours of service.

(c) Ages of children served.

(d) Fees/eligibility for services.

(e) Significant program information.

(f) Status of licensure.

(g) Establishment of a referral process which responds to parental need for information and which is provided with full recognition of confidentiality rights of parents. The referral process shall afford parents maximum access to all referral information. This access shall include, but is not limited to, telephone referral available for no less than twenty hours per week.

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Each child care resource and referral agency shall publicize their services through all available media sources, agencies, and other appropriate methods.

3. The documentation of requests for service shall be maintained by all child care resource and referral agencies. The categories shall include the following:

(a) Number of call/contacts to the child care information and referral agency or component.

(b) Ages of children served.

(c) Time of child care request for each child.

(d) Reason that the child care is needed.

This information shall be maintained in such a manner that it is easily accessible for dissemination purposes.

4. Provision of technical assistance to existing and potential providers of all types of child care services. This assistance shall include, but not be limited to:

(a) Information on all aspects of initiating new child care services including, but not limited to, licensing, zoning, program and budget development, and assistance in finding such information from other sources.

(b) Information and resources which shall help existing child care services to maximize their ability to serve the children and parents of their community.

(c) Facilitation of communication between existing child care and child-related services in the community served.

5. Services prescribed by this section shall be provided in order to maximize parental choice in the selection of child care and in order to facilitate the maintenance and development of child care services and resources.

6. All child care resource and referral services shall be provided in a manner which is responsive to the diverse cultural, linguistic and economic needs of a defined area of service.

7. Child care resource and referral shall be provided to all persons requesting services and to all types of child care providers, regardless of income level or other eligibility criteria. In addition to these services prescribed by this section, child care resource and referral may provide a wide variety of parent and provider support and educational services.

§ 2. This act shall take effect on the first day of April next succeeding the date on which it shall have become a law.

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APPENDIX B

NEW YORK STATE SCHOOL AGED CHILD CARE RFP 1986

Program Content

School-age child care programs should provide a daily program for children which is flexible and varied, and which includes a large number of age-appropriate activities based on the interests of children attending. Several opportunities from which the children can select are available at all times. A warm, supportive atmosphere, more home-like than school-like, will be provided. At a minimum, content should include:

- social, recreational and physical activities;
- opportunity for small group and solitary activity;
- opportunity for vigorous play interspersed with quiet, reflective activities;
- many opportunities to read or be read to;
- special events such as field trips or individual activities;
- choices of many activities such as art, music, drama, movement, cooking experimenting and exploring;
- small group discussion groups and total group meetings, if appropriate;
- study time and tutoring, if age-appropriate, and when needed.

In addition, good programs provide daily opportunity for outdoor activities, nutritious snacks or meals, and a focus on personalized programs which nurture and nourish children's strengths and interests. Activities should capitalize on the interests of children and build upon the special talents and interests of staff. Systematic and ongoing planning from both administrative and program staff is necessary to provide stimulating and diverse program content.

Source: New York State Department of Social Services, New York State School Aged Child Gare Request for Proposals, 1986

APPENDIX C

Head Start Immunization Schedule

AGE	IMMUNIZATION
2 months	DPT,OPV
4 months	DPT,OPV
6 months	DPT
15 months	MMR
18 months	DPT,OPV booster
4-6 years (pre-school)	DPT,OPV booster
14-16 years	dT

For children not immunized as infants:

1st MD visit	DPT,OPV
1 month after 1st visit	MMR (if equal to or over 15 months of age)
2 months after 1st visit	DPT,OPV
4 months after 1st visit	DPT
10-16 mos. after 1st visit	DPT,OPV
14-16 yrs. of age	dT

Source: U.S. Department of Health and Human Services. Head Start Performance Standards.

APPENDIX D

Health Care Considerations in Child Care

Children with minor infections (colds, etc.), once examined by a physician and placed upon appropriate medication, should be admissible to the center or family day home and provided care in a manner which does not increase risk of infection spread to other children.

Procedures which should be followed for such children are:

a. All children with fever, and/or cough, and/or runny noses, and/or diarrhea, and/or vomiting, or appearing ill in any way, should be kept in the isolation room of the center or day care home until such symptoms have resolved.
b. Staff caring for such children should maintain strict handwashing routines prior to and after handling each child (includes feedings).
c. Such sick children must be kept separate from each other by use of play pens, cribs, etc. (Older children can be restricted to separate beds).
d. There should be separate toilet facilites for the exclusive use of children with diarrhea and vomiting.
e. Disposable utensils can be utilized for the feeding of sick children.

Physician diagnosed illnesses which, after initial evaluating by a physician and with the physician's approval can be allowed at the day care center or family day care home, provided the above noted procedures are followed are:

a. Upper respiratory infections (colds)
b. Otitis media
c. Pharyngitis
d. Tracheitis
e. Laryngeotracheobronchitis (viral croup) - mild
f. Bronchitis
g. Bronchiolitis - mild
h. Asthma - mild wheezing
i. Viral Gastroenteritis - mild
j. Other conditions deemed appropriate for admittance to center by a physician.

Illnesses which are definitely contraindicated for care at a center or family day care home are:

a. Pneumonia
b. Draining abscess
c. Encephalitis
d. Meningitis
e. Chicken pox
f. Measles
g. Rubella
h. Mumps
i. Tinia corporis or capitus (Ringworm)
j. Scabies
k. Impetigo

APPENDIX E

Nomenclature developed by the National Association for the Education of Young Children:

Level 4 Early Childhood Specialist

This level consists of professionals who supervise and train staff, design curriculum and/or administer programs. A baccalaureate degree in Early Childhood Education or Child Development and at least three years of full-time teaching experience with young children or an advanced degree are required.

Level 3 Early Childhood Teacher

This is a professional level for individuals who are reponsible for the care and education of a group of children. A baccalaureate degree in Early Childhood Education or Child Development is required.

Level 2 Early Childhood Associate Teacher

At this level are professionals who independently implement program activities and may be responsible for the care and education of a small group of young children. A Child Development Associate credential or an AA degree in Early Childhood Education or Child Development are the basic qualifications.

Level 1 Early Childhood Teacher Assistant

This is the NAEYC entry level position for pre-professionals who implement program activities under the direct supervision of professional staff. A high school diploma or equivalent and a potential for and willingness to improve one's skills are the basic qualifications.

Entry Level Teacher Aide

The Commission recommends that this position be added to the NAEYC titles to allow neighborhood residents, who often have similar cultural or ethnic backgrounds to the children served, to enter the field even though they may lack a high school diploma.

Child Care Programs
New York State Department of Social Services

8/21/86

Child Care	Eligibility	Authority	Limitations	Funding	Reimbursement Fed/State/Local	Responsibility
Income Disregard	• Employed recipients of ADC & HR	352.19(b) 81 ADM-55 82 ADM-49	• deduction from income • up to $160 mo/child for F/T • up to $159.99 mo/child for P/T	ADC HR (deduction)	50/25/25 0/50/50	IM (ISP)
Occupational Training Related Child Care	• Recipients of ADC and HR in approved occupational or vocational training (In WIN Demo districts, also covers Educational, Rehabilitative Vocational, Employment related Training and Work Experience)	352.7(e)(1)	• special needs allowance • districts may set reasonable limit • excludes 4 yr college & literacy training • 2 yr college program must have specific vocational objective	ADC HR	50/25/25 0/50/50	IM (ISP)
Student Parent	• Recipients of ADC & HR under age of 21 pursuing a high school degree or GED	352.7(j) 81 ADM-56 IM Comm. Letter 3/24/86	• special needs allowance • not to exceed district's Title XX limit • not to person who is LRR to student, or other relative with whom student lives	ADC HR	50/25/25 0/50/50	IM (ISP)
WIN-Demo Daycare	• participants in all WIN-Demo activities •• vocational training •• educational (can include GED or high school degree) •• rehabilitative training •• employment related training •• work experience	392.5	• special needs allowance or purchase of service • cc for OJT or unsubsidized employment limited to 30 days (dist. may extend to 60 days) • may include 2 week "waiting period"	WIN-Demo: Subject to program funding levels	90/5/5	IM (EMP)
Emergency Child Care - EAF -	• EAF eligibility	372.2 77 ADM-21	• emergency (eg. sudden illness; homelessness)	EAF	50/25/25	IM (ISP)

Child Care	Eligibility	Authority	Limitations	Funding	Reimbursement Fed/State/Local	Responsibility
Expanded Child Care Demo	• ADC & HR recipients participating in employment related training approved by LDSS • ADC & HR recipients over 21 seeking high school degree or GED	352.7(i) 352.7(j) IM Comm. Letter 2/24/86 5/16/86	• special needs allowance • supervised classroom training including: oo English as second language oo Literacy Training oo Employment readiness oo Job Club oo Life Skills • not to exceed districts Title IX limit	ADC HR Aid to Localities State Budget $1.4M SFY 86-87. Funds allocated to districts.	50/25/25 0/50/50	IM (ISP)
Transitional Child Care Program-TCCP (formerly extended child care demo)	• Former PA recipients whose case is closed due to earned income • TEAP cases that are zero budgeted during contract period	IM Comm. Letter 9/19/85 2/3/86 4/23/86	• authorized for 9 months from: oo case closing or oo beginning of TEAP contract period • 160/mo/child • optional for districts	Aid to Localities State Budget $1.3M SFY 86-87 Funds allocated to districts	0/87.5/12.5	IM (EMP)
Comprehensive Employment Opportunity Support Centers (CEOSC)	• ADC parents with children under six	State Legislation		Aid to Localities $2M SFY 86-87	50/50/0	IM (EMP)
School Age Day Care (SACC-School Age Child Care) (After School Day Care) (Latch Key Day Care)	• School Districts or Private providers • For start-up costs for after school daycare programs	Chapter 460 of Laws of 1984	• Start up costs only	• available through a RFP grant process • SFY 86-87 Budget $600,000	0/100/0	SVS
Day Care Development Program	Centers providing: • Development of family daycare programs • Technical assistance & training to family daycare providers • Referrals to people in need of daycare	Chapter 804 of Laws of 1985		• available through a RFP grant process • SFY 86-87 Budget $775,000	0/100/0	SVS

Child Care	Eligibility	Authority	Limitations	Funding	Reimbursement Fed/State/Local	Responsibility
Working Poor (Low Income Daycare) (Expansion of Income Eligible Daycare)	• families with income less than 125% of poverty level (may be up to 175% with waiver) • not eligible for ADC/ER • goal of self-support	416.2	• sliding parent fee scale • purchase of service • cannot supplant other daycare funds	Aid to Localities State Budget $10.67M SFY 86-87 Funds allocated to districts. Administrative funds limited to the greater of 5% of allocation or $5,000, with an upper cap of $50,000.	0/87½/12½	SVS
Title XX	• State income eligibility standard • adjusted by family size	400 consolidated services plan	• optional for districts • parent fee dependent on income, family size, # of children in daycare, (sliding scale)	Social Services Block Grant (SSBG)	75/12½/12½ for expenditures under the Title XX ceiling	SVS
Preventive/ Protective	• preventive service cases • protective service cases	416.2(d) 81 ADM-12	• daycare must be core service of service plan • purchase of service	• Title XX • If Title XX ceiling and maintenance of effort level is exceeded, then eligible for state funding	75/12½/12½ 0/75/25 for mandated preventive 0/50/50 for protective and non-mandated preventive	SVS

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Child Care	Eligibility	Authority	Limitations	Funding	Reimbursement Fed/State/Local	Responsibility
Day Care for Adolescent Parents (Teen Parents)	• custodial parent under 21 • income less than 273% of Federal Poverty Level • Pursuing high school or equivalency degree • not eligible for ADC/HR		• purchase of service	• Aid to Localities State Budget $2M SFY 86-87 • Local funds may be provided by district, contributions or fees • reimbursement is subject to districts allocation • cannot supplant other daycare funds	0/87.5/12.5	SVS

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New York State
Mario M. Cuomo, Governor

Commission on Child Care
Matilda R. Cuomo and Judith I. Avner, Co-chairpersons
Polly Spedding, Executive Director